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Rebecca McDowell Cook
Secretary of State

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Documents will be accepted for filing on all regular workdays from 8:00 a.m. until 5:00 p.m. We encourage early filings to facilitate the timely publication of the *Missouri Register*. Orders of Rulemaking appearing in the *Missouri Register* will be published in the *Code of State Regulations* and become effective as listed in the chart above. Advance notice of large volume filings will facilitate their timely publication. We reserve the right to change the schedule due to special circumstances. Please check the latest publication to verify that no changes have been made in this schedule.

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HOW TO CITE RULES AND RSMo

RULES—Cite material in the *Missouri Register* by volume and page number, for example, Vol. 24, *Missouri Register*, page 27. The approved short form of citation is 24 MoReg 27.

The rules are cited in the *Code of State Regulations* in this system—

Title	Code of State Regulations	Division	Chapter	Rule
1	CSR	10-	1.	010
Department		Agency, Division	General area regulated	Specific area regulated

They are properly cited by using the full citation , i.e., 1 CSR 10-1.010.

Each department of state government is assigned a title. Each agency or division in the department is assigned a division number. The agency then groups its rules into general subject matter areas called chapters and specific areas called rules. Within a rule, the first breakdown is called a section and is designated as (1). Subsection is (A) with further breakdown into paragraph 1., subparagraph A., part (I), subpart (a), item I. and subitem a.

RSMo—Cite material in the RSMo by date of legislative action. The note in parentheses gives the original and amended legislative history. The Office of the Revisor of Statutes recognizes that this practice gives users a concise legislative history.

Rules appearing under this heading are filed under the authority granted by section 536.025, RSMo Supp. 1999. An emergency rule may be adopted by an agency if the agency finds that an immediate danger to the public health, safety or welfare, or a compelling governmental interest requires emergency action; follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances; follows procedures which comply with the protections extended by the *Missouri* and the *United States Constitutions*; limits the scope of such rule to the circumstances creating an emergency and requiring emergency procedure, and at the time of or prior to the adoption of such rule files with the secretary of state the text of the rule together with the specific facts, reasons and findings which support its conclusion that there is an immediate danger to the public health, safety or welfare which can be met only through the adoption of such rule and its reasons for concluding that the procedure employed is fair to all interested persons and parties under the circumstances.

Rules filed as emergency rules may be effective not less than ten days after filing or at such later date as may be specified in the rule and may be terminated at any time by the state agency by filing an order with the secretary of state fixing the date of such termination, which order shall be published by the secretary of state in the *Missouri Register* as soon as practicable.

All emergency rules must state the period during which they are in effect, and in no case can they be in effect more than 180 calendar days or 30 legislative days, whichever period is longer. Emergency rules are not renewable, although an agency may at any time adopt an identical rule under the normal rulemaking procedures.

Title 11—DEPARTMENT OF PUBLIC SAFETY Division 30—Office of the Director Chapter 9—Operation Payback

EMERGENCY RULE

11 CSR 30-9.010 Definition

PURPOSE: This rule defines a crime tip organization as it applies under Operation Payback.

EMERGENCY STATEMENT: The Department of Public Safety finds that there is an immediate danger to the public welfare that requires emergency action. Without an emergency rule, the State funds appropriated to "Operation Payback", as set forth in 650.020 RSMo (1998), will not be available for distribution to crime tip organizations for the rest of this fiscal year. These organizations may use "Operation Payback" to enhance or promote the effectiveness of their program by reimbursement of funds for successful methamphetamine-related tips from the general public. Considering the growing problem of methamphetamine production within Missouri, every step possible must be taken to facilitate the utilization and acquisition of tip information from citizens to maximize the overall success of crime prevention tip programs. Without the funding available from "Operation Payback", some crime tip organizations may not be able to afford tip reimbursement, which

may lead to fewer tips submitted and a reduction in community involvement or interest. The scope of this emergency rule is limited to circumstances creating the emergency and complies with the protection extending in the *Missouri* and *United States Constitution*. The Department of Public Safety believes this emergency regulation to be fair to all interested persons and parties under the circumstances. This emergency rule was filed February 28, 2000, effective March 9, 2000, and will expire on August 26, 2000.

(1) "Crime Tip Organization" shall mean a Missouri, community-based partnership between the community, law enforcement and the media working together in the community's fight against crime by encouraging citizens via cash rewards and anonymity to provide law enforcement information leading to the arrest of criminals.

AUTHORITY: section 650.020, RSMo Supp. 1999. Emergency rule filed Feb. 28, 2000, effective March 9, 2000, expires Aug. 26, 2000. A proposed rule covering this same material is published in this issue of the *Missouri Register*.

Title 11—DEPARTMENT OF PUBLIC SAFETY Division 30—Office of the Director Chapter 9—Operation Payback

EMERGENCY RULE

11 CSR 30-9.020 Participation Eligibility Requirements

PURPOSE: This rule establishes the criteria for a crime tip organization to be registered with the Missouri Department of Public Safety and thus be eligible to request reimbursement funds through Operation Payback.

EMERGENCY STATEMENT: The Department of Public Safety finds that there is an immediate danger to the public welfare that requires emergency action. Without an emergency rule, the State funds appropriated to "Operation Payback", as set forth in 650.020 RSMo (1998), will not be available for distribution to crime tip organizations for the rest of this fiscal year. These organizations may use "Operation Payback" to enhance or promote the effectiveness of their program by reimbursement of funds for successful methamphetamine-related tips from the general public. Considering the growing problem of methamphetamine production within Missouri, every step possible must be taken to facilitate the utilization and acquisition of tip information from citizens to maximize the overall success of crime prevention tip programs. Without the funding available from "Operation Payback", some crime tip organizations may not be able to afford tip reimbursement, which may lead to fewer tips submitted and a reduction in community involvement or interest. The scope of this emergency rule is limited to circumstances creating the emergency and complies with the protection extending in the *Missouri* and *United States Constitution*. The Department of Public Safety believes this emergency regulation to be fair to all interested persons and parties under the circumstances. This emergency rule was filed February 28, 2000, effective March 9, 2000, and will expire on August 26, 2000.

(1) To be registered with the Missouri Department of Public Safety, the crime tip organization must provide the Missouri Department of Public Safety, Office of the Director, the following information:

(A) A current list of all board members, which includes at least one representative of the community's municipal or county law enforcement agency.

(B) A copy of the crime tip organization's bylaws.

(C) Information concerning the crime tip organization's federal tax identification number and a copy of documents of incorporation filed with the Missouri Secretary of State.

AUTHORITY: section 650.020, RSMo Supp. 1999. Emergency rule filed Feb. 28, 2000, effective March 9, 2000, expires Aug. 26, 2000. A proposed rule covering this same material is published in this issue of the Missouri Register.

Title 11—DEPARTMENT OF PUBLIC SAFETY

Division 30—Office of the Director

Chapter 9—Operation Payback

EMERGENCY RULE

11 CSR 30-9.030 Reimbursement Criteria

PURPOSE: This rule establishes the criteria for a crime tip organization receiving reimbursement funds through Operation Payback.

EMERGENCY STATEMENT: The Department of Public Safety finds that there is an immediate danger to the public welfare that requires emergency action. Without an emergency rule, the State funds appropriated to "Operation Payback", as set forth in 650.020 RSMo (1998), will not be available for distribution to crime tip organizations for the rest of this fiscal year. These organizations may use "Operation Payback" to enhance or promote the effectiveness of their program by reimbursement of funds for successful methamphetamine-related tips from the general public. Considering the growing problem of methamphetamine production within Missouri, every step possible must be taken to facilitate the utilization and acquisition of tip information from citizens to maximize the overall success of crime prevention tip programs. Without the funding available from "Operation Payback", some crime tip organizations may not be able to afford tip reimbursement, which may lead to fewer tips submitted and a reduction in community involvement or interest. The scope of this emergency rule is limited to circumstances creating the emergency and complies with the protection extending in the Missouri and United States Constitution. The Department of Public Safety believes this emergency regulation to be fair to all interested persons and parties under the circumstances. This emergency rule was filed February 28, 2000, effective March 9, 2000, and will expire on August 26, 2000.

(1) To be considered for reimbursement through Operation Payback, the requesting crime tip organization must be registered with the Missouri Department of Public Safety, Office of the Director.

(2) The crime tip organization must submit the following information with its request for reimbursement:

(A) The date each tip, for which reimbursement is requested, was provided to the crime tip organization.

(B) The date each informant was paid for a tip, for which reimbursement is requested.

(C) The total amount paid to the informant for each tip, for which reimbursement is requested.

(D) The number of arrests that resulted from each tip for which reimbursement is requested.

(E) The amount of methamphetamine seized as a result from each tip for which reimbursement is requested.

(F) A copy of the report filed by the law enforcement agency making the arrest/seizure or a case number of the arrest/seizure.

(3) A crime tip organization requesting reimbursement funds through Operation Payback may be reimbursed up to \$250 for each crime tip on methamphetamine. If a crime tip organization awards more than \$250 for a tip on methamphetamine, it may only receive \$250 in reimbursement funds. A crime tip organization may not receive in excess of \$5,000 during any state fiscal year.

(4) A crime tip organization registered under Operation Payback may only receive reimbursement funds for methamphetamine seizures within the State of Missouri.

AUTHORITY: section 650.020, RSMo Supp. 1999. Emergency rule filed Feb. 28, 2000, effective March 9, 2000, expires Aug. 26, 2000. A proposed rule covering this same material is published in this issue of the Missouri Register.

Title 11—DEPARTMENT OF PUBLIC SAFETY

Division 30—Office of the Director

Chapter 9—Operation Payback

EMERGENCY RULE

11 CSR 30-9.040 Operation Payback Restrictions

PURPOSE: This rule stipulates prohibited use of reimbursement funds through Operation Payback.

EMERGENCY STATEMENT: The Department of Public Safety finds that there is an immediate danger to the public welfare that requires emergency action. Without an emergency rule, the State funds appropriated to "Operation Payback", as set forth in 650.020 RSMo (1998), will not be available for distribution to crime tip organizations for the rest of this fiscal year. These organizations may use "Operation Payback" to enhance or promote the effectiveness of their program by reimbursement of funds for successful methamphetamine-related tips from the general public. Considering the growing problem of methamphetamine production within Missouri, every step possible must be taken to facilitate the utilization and acquisition of tip information from citizens to maximize the overall success of crime prevention tip programs. Without the funding available from "Operation Payback", some crime tip organizations may not be able to afford tip reimbursement, which may lead to fewer tips submitted and a reduction in community involvement or interest. The scope of this emergency rule is limited to circumstances creating the emergency and complies with the protection extending in the Missouri and United States Constitution. The Department of Public Safety believes this emergency regulation to be fair to all interested persons and parties under the circumstances. This emergency rule was filed February 28, 2000, effective March 9, 2000, and will expire on August 26, 2000.

(1) Reimbursement funds through Operation Payback may only be utilized by crime tip organizations registered and approved through the Missouri Department of Public Safety, Office of the Director, and only for use of the registered crime tip organization as provided in Section 650.020 RSMo.

(A) Crime tip organizations are not permitted to use Operation Payback funds to reimburse any law enforcement officer.

(B) Requests for reimbursement must only be for tips involving the sale or manufacture of methamphetamine that leads to a methamphetamine seizure.

AUTHORITY: section 650.020, RSMo Supp. 1999. Emergency rule filed Feb. 28, 2000, effective March 9, 2000, expires Aug. 26, 2000. A proposed rule covering this same material is published in this issue of the Missouri Register.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 30—Office of the Director
Chapter 9—Operation Payback**

EMERGENCY RULE

11 CSR 30-9.050 Organization Disqualification

PURPOSE: This rule establishes the criteria for which a crime tip organization may be removed from, or denied entry into, the Operation Payback program.

EMERGENCY STATEMENT: The Department of Public Safety finds that there is an immediate danger to the public welfare that requires emergency action. Without an emergency rule, the State funds appropriated to "Operation Payback", as set forth in 650.020 RSMo (1998), will not be available for distribution to crime tip organizations for the rest of this fiscal year. These organizations may use "Operation Payback" to enhance or promote the effectiveness of their program by reimbursement of funds for successful methamphetamine-related tips from the general public. Considering the growing problem of methamphetamine production within Missouri, every step possible must be taken to facilitate the utilization and acquisition of tip information from citizens to maximize the overall success of crime prevention tip programs. Without the funding available from "Operation Payback", some crime tip organizations may not be able to afford tip reimbursement, which may lead to fewer tips submitted and a reduction in community involvement or interest. The scope of this emergency rule is limited to circumstances creating the emergency and complies with the protection extending in the Missouri and United States Constitution. The Department of Public Safety believes this emergency regulation to be fair to all interested persons and parties under the circumstances. This emergency rule was filed February 28, 2000, effective March 9, 2000, expires August 26, 2000.

(1) A crime tip organization may be removed from participation in Operation Payback if it is determined they have provided false information to the Missouri Department of Public Safety, Office of the Director, in order to receive reimbursement funds. False information may include, but is not limited to:

(A) Indicating a higher amount of rewards granted than they actually provided.

(B) Providing false information regarding seizures of methamphetamine or methamphetamine arrests.

(C) Using Operation Payback funds to pay law enforcement officers.

(2) A crime tip organization may be denied entry into Operation Payback by the Missouri Department of Public Safety, Office of the Director, for the following reasons:

(A) The crime tip organization refuses or is unable to provide the information required in order to be registered with the Missouri Department of Public Safety, Office of the Director.

(B) It is determined the crime tip organization has provided false information to the Missouri Department of Public Safety, Office of the Director.

AUTHORITY: section 650.020, RSMo Supp. 1999. Emergency rule filed Feb. 28, 2000, effective March 9, 2000, expires Aug. 26, 2000. A proposed rule covering this same material is published in this issue of the Missouri Register.

**Title 19—DEPARTMENT OF HEALTH
Division 30—Division of Health Standards and
Licensure
Chapter 60—License-Exempt Child Care Facilities**

EMERGENCY AMENDMENT

19 CSR 30-60.010 Definitions Relating to Child Care Facilities.
The Department of Health is deleting section (2).

PURPOSE: This emergency amendment will delete the requirement that this rule expires on June 30, 2000.

EMERGENCY STATEMENT: This emergency amendment is necessary as it deletes the requirement that this rule expires on June 30, 2000.

Section 210.252.1. RSMo requires inspections for fire safety by the state fire marshal, and health and sanitation inspections by the Department of Health (DOH) for child care facilities that are exempt from licensure by the DOH. Currently, there are 493 child care facilities operated by religious organizations and 124 nursery schools that are being inspected annually. These inspections are vital to the health, safety, and well being of children in child care facilities. Section 210.252.5 RSMo requires the DOH to promulgate rules and regulations for the inspection of child care facilities that are exempt from licensure in order to protect the children in child care facilities. This rule must continue in effect for the DOH to maintain these inspections and meet the requirements of section 210.252.5.

Since the effective date of this rule, July 30, 1995, the DOH has implemented this rule by defining the terms used in sections 19 CSR 40-60.020 through 19 CSR 40-60.120. Sections 19 CSR 40-60.020 through 19 CSR 40-60.120 are the rules that are used to conduct health, safety, and sanitation inspections for child care facilities that are exempt from state licensure. It would be impossible to implement these rules without 19 CSR 40-60.010, Definitions. Without implementation of these rules, the health, safety, and well being of children in child care facilities would not be assured.

The Missouri Department of Health finds an immediate danger to the public health and welfare and a compelling government interest, which require emergency action. The scope of this rule is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. The Department of Health believes this emergency rule is fair to all interested persons and parties under the circumstances. This emergency amendment was filed March 1, 2000, effective March 11, 2000, and expires September 6, 2000.

[(2) This rule expires on June 30, 2000.]

AUTHORITY: sections 210.221.1(3) and 210.252.5, RSMo [1994] Supp. 1999. This rule was previously filed as 19 CSR 40-60.010. Original rule filed Dec. 1, 1994, effective July 30, 1995. Changed to 19 CSR 30-60.010 July 30, 1998. Emergency amendment filed March 1, 2000, effective March 11, 2000, expires Sept. 6, 2000. A proposed amendment covering this same material is published in this issue of the Missouri Register.

**Title 19—DEPARTMENT OF HEALTH
Division 30—Division of Health Standards and
Licensure
Chapter 60—License-Exempt Child Care Facilities**

EMERGENCY AMENDMENT

19 CSR 30-60.020 Application for Annual Fire Safety and Health and Sanitation Inspections and Inspection Procedures.
The Department of Health is deleting section (8).

PURPOSE: This emergency amendment will delete the requirement that this rule expires on June 30, 2000.

EMERGENCY STATEMENT: This emergency amendment is necessary as it deletes the requirement that this rule expires on June 30, 2000.

Section 210.252.1. RSMo requires inspections for fire safety by the state fire marshal, and health and sanitation inspections by the Department of Health (DOH) for child care facilities that are exempt from licensure by the DOH. Currently, there are 493 child care facilities operated by religious organizations and 124 nursery schools that are being inspected annually. These inspections are vital to the health, safety, and well being of children in child care facilities. Section 210.252.5 RSMo requires the DOH to promulgate rules and regulations for the inspection of child care facilities that are exempt from licensure in order to protect the children in child care facilities. This rule must continue in effect for the DOH to maintain these inspections and meet the requirements of section 210.252.5.

Since the effective date of this rule, July 30, 1995, the DOH has implemented this rule by requiring child care providers that are exempt from state licensure to apply to the Department of Health (DOH) for an inspection for fire safety, health, and sanitation. This rule also provides the requirements for the organization and operation of child care facilities. Without implementation of this rule, the inspections could not be conducted and the health, safety, and well being of children in child care facilities would not be assured.

The Missouri Department of Health finds an immediate danger to the public health and welfare and a compelling government interest, which require emergency action. The scope of this rule is limited to the circumstances creating the emergency and complies with the protections extended in the *Missouri and United States Constitutions*. The Department of Health believes this emergency rule is fair to all interested persons and parties under the circumstances. This emergency amendment was filed March 1, 2000, effective March 11, 2000, and expires September 6, 2000.

[(8) This rule expires on June 30, 2000.]

AUTHORITY: sections 210.221.1(3) and 210.252.5, RSMo [1994] Supp. 1999. This rule was previously filed as 19 CSR 40-60.020. Original rule filed Dec. 1, 1994, effective July 30, 1995. Changed to 19 CSR 30-60.020 July 30, 1998. Emergency amendment filed March 1, 2000, effective March 11, 2000, expires Sept. 6, 2000. A proposed amendment covering this same material is published in this issue of the *Missouri Register*.

**Title 19—DEPARTMENT OF HEALTH
Division 30—Division of Health Standards and
Licensure
Chapter 60—License-Exempt Child Care Facilities**

EMERGENCY AMENDMENT

19 CSR 30-60.030 Local Inspections. The Department of Health is deleting section (3).

PURPOSE: This emergency amendment deletes the requirement that this rule expires on June 30, 2000.

EMERGENCY STATEMENT: This emergency amendment is necessary as it deletes the requirement that this rule expires on June 30, 2000.

Section 210.252.1. RSMo requires inspections for fire safety by the state fire marshal, and health and sanitation inspections by the Department of Health (DOH) for child care facilities that are

exempt from licensure by the DOH. Currently, there are 493 child care facilities operated by religious organizations and 124 nursery schools that are being inspected annually. These inspections are vital to the health, safety, and well being of children in child care facilities. Section 210.252.5 RSMo requires the DOH to promulgate rules and regulations for the inspection of child care facilities that are exempt from licensure in order to protect the children in child care facilities. This rule must continue in effect for the DOH to maintain these inspections and meet the requirements of section 210.252.5.

Section 210.231 RSMo gives the DOH authority to delegate the inspection of license-exempt child care facilities to other entities, if the standards employed are substantially equivalent to state standards. The DOH contracts with local health departments to conduct annual sanitation inspections of 493 child care facilities operated by religious organizations and 124 nursery schools. This also includes inspections for emergency situations such as disease outbreaks, exposure to environmental hazards, infestation of insects, and lead. Without these inspections, children in child care facilities would not be assured of a safe, healthy environment.

The Missouri Department of Health finds an immediate danger to the public health and welfare and a compelling government interest, which require emergency action. The scope of this rule is limited to the circumstances creating the emergency and complies with the protections extended in the *Missouri and United States Constitutions*. The Department of Health believes this emergency rule is fair to all interested persons and parties under the circumstances. This emergency amendment was filed March 1, 2000, effective March 11, 2000, and expires September 6, 2000.

[(3) This rule expires on June 30, 2000.]

AUTHORITY: sections 210.221.1(3) and 210.252.5, RSMo [1994] Supp. 1999. This rule was previously filed as 19 CSR 40-60.030. Original rule filed Dec. 1, 1994, effective July 30, 1995. Changed to 19 CSR 30-60.030 July 30, 1998. Emergency amendment filed March 1, 2000, effective March 11, 2000, expires Sept. 6, 2000. A proposed amendment covering this same material is published in this issue of the *Missouri Register*.

**Title 19—DEPARTMENT OF HEALTH
Division 30—Division of Health Standards and
Licensure
Chapter 60—License-Exempt Child Care Facilities**

EMERGENCY AMENDMENT

19 CSR 30-60.040 Variance Requests. The Department of Health is deleting section (3).

PURPOSE: This emergency amendment deletes the requirement that this rule expires on June 30, 2000.

EMERGENCY STATEMENT: This emergency amendment is necessary as it deletes the requirement that this rule expires on June 30, 2000.

Section 210.252.1. RSMo requires inspections for fire safety by the state fire marshal, and health and sanitation inspections by the Department of Health (DOH) for child care facilities that are exempt from licensure by the DOH. Currently, there are 493 child care facilities operated by religious organizations and 124 nursery schools that are being inspected annually. These inspections are vital to the health, safety, and well being of children in child care facilities. Section 210.252.5 RSMo requires the DOH to promulgate rules and regulations for the inspection of child care facilities that are exempt from licensure in order to protect the children in child care facilities. This rule must continue in effect for the DOH

to maintain these inspections and meet the requirements of section 210.252.5.

Section 210.252 RSMo requires the DOH to grant variances to child care providers if granting a variance does not endanger the health or safety of the children served by the facility. This rule is necessary for the DOH to meet these statute requirements.

The Missouri Department of Health finds an immediate danger to the public health and welfare and a compelling government interest, which require emergency action. The scope of this rule is limited to the circumstances creating the emergency and complies with the protections extended in the *Missouri and United States Constitutions*. The Department of Health believes this emergency rule is fair to all interested persons and parties under the circumstances. This emergency amendment was filed March 1, 2000, effective March 11, 2000, and expires September 6, 2000.

[(3) This rule expires on June 30, 2000.]

AUTHORITY: sections 210.221.1(3) and 210.252.5, RSMo [1994] Supp. 1999. This rule was previously filed as 19 CSR 40-60.040. Original rule filed Dec. 1, 1994, effective July 30, 1995. Changed to 19 CSR 30-60.040 July 30, 1998. Emergency amendment filed March 1, 2000, effective March 11, 2000, expires Sept. 6, 2000. A proposed amendment covering this same material is published in this issue of the *Missouri Register*.

**Title 19—DEPARTMENT OF HEALTH
Division 30—Division of Health Standards and
Licensure
Chapter 60—License-Exempt Child Care Facilities**

EMERGENCY AMENDMENT

19 CSR 30-60.050 Staffing Requirements. The Department of Health is deleting section (5).

PURPOSE: This emergency amendment deletes the requirement that this rule expires on June 30, 2000.

EMERGENCY STATEMENT: This emergency amendment is necessary as it deletes the requirement that this rule expires on June 30, 2000.

Section 210.252.1. RSMo requires inspections for fire safety by the state fire marshal, and health and sanitation inspections by the Department of Health (DOH) for child care facilities that are exempt from licensure by the DOH. Currently, there are 493 child care facilities operated by religious organizations and 124 nursery schools that are being inspected annually. These inspections are vital to the health, safety, and well being of children in child care facilities. Section 210.252.5 RSMo requires the DOH to promulgate rules and regulations for the inspection of child care facilities that are exempt from licensure in order to protect the children in child care facilities. This rule must continue in effect for the DOH to maintain these inspections and meet the requirements of section 210.252.5.

This rule provides the staffing requirements for child care facilities. The rule includes requirements such as supervision of children at all times; caregivers must provide care conducive to the health and safety of children; a caregiver cannot be under the influence of alcohol or drugs when providing child care; no person can be present at the facility that poses a threat to the children; and other requirements to protect the health and safety of children. Without this rule, the health, safety, and well being of children in child care facilities would not be assured.

The Missouri Department of Health finds an immediate danger to the public health and welfare and a compelling government interest, which require emergency action. The scope of this rule is

limited to the circumstances creating the emergency and complies with the protections extended in the *Missouri and United States Constitutions*. The Department of Health believes this emergency rule is fair to all interested persons and parties under the circumstances. This emergency amendment was filed March 1, 2000, effective March 11, 2000, and expires September 6, 2000.

[(15) This rule expires on June 30, 2000.]

AUTHORITY: sections 210.221.1(3) and 210.252.5, RSMo [1994] Supp. 1999. This rule was previously filed as 19 CSR 40-60.050. Original rule filed Dec. 1, 1994, effective July 30, 1995. Changed to 19 CSR 30-60.050 July 30, 1998. Emergency amendment filed March 1, 2000, effective March 11, 2000, expires Sept. 6, 2000. A proposed amendment covering this same material is published in this issue of the *Missouri Register*.

**Title 19—DEPARTMENT OF HEALTH
Division 30—Division of Health Standards and
Licensure
Chapter 60—License-Exempt Child Care Facilities**

EMERGENCY AMENDMENT

19 CSR 30-60.060 Health Requirements. The Department of Health is deleting section (12).

PURPOSE: This emergency amendment deletes the requirement that this rule expires on June 30, 2000.

EMERGENCY STATEMENT: This emergency amendment is necessary as it deletes the requirement that this rule expires on June 30, 2000.

Section 210.252.1. RSMo requires inspections for fire safety by the state fire marshal, and health and sanitation inspections by the Department of Health (DOH) for child care facilities that are exempt from licensure by the DOH. Currently, there are 493 child care facilities operated by religious organizations and 124 nursery schools that are being inspected annually. These inspections are vital to the health, safety, and well being of children in child care facilities. Section 210.252.5 RSMo requires the DOH to promulgate rules and regulations for the inspection of child care facilities that are exempt from licensure in order to protect the children in child care facilities. This rule must continue in effect for the DOH to maintain these inspections and meet the requirements of section 210.252.5.

This rule requires the reporting of communicable diseases, proper handwashing techniques for caregivers and children, physical exams, procedures to use when children become ill, medication, and other health requirements. Without this rule, the health of child care providers, caregivers, and children in child care facilities would not be assured.

The Missouri Department of Health finds an immediate danger to the public health and welfare and a compelling government interest, which require emergency action. The scope of this rule is limited to the circumstances creating the emergency and complies with the protections extended in the *Missouri and United States Constitutions*. The Department of Health believes this emergency rule is fair to all interested persons and parties under the circumstances. This emergency amendment was filed March 1, 2000, effective March 11, 2000, and expires September 6, 2000.

[(12) This rule expires on June 30, 2000.]

AUTHORITY: sections 210.221.1(3) and 210.252.5, RSMo [1994] Supp. 1999. This rule was previously filed as 19 CSR 40-60.060. Original rule filed Dec. 1, 1994, effective July 30, 1995. Changed to 19 CSR 30-60.060 July 30, 1998. Emergency amendment filed

March 1, 2000, effective March 11, 2000, expires Sept. 6, 2000. A proposed amendment covering this same material is published in this issue of the *Missouri Register*.

Title 19—DEPARTMENT OF HEALTH
Division 30—Division of Health Standards and
Licensure
Chapter 60—License-Exempt Child Care Facilities

EMERGENCY AMENDMENT

19 CSR 30-60.070 Responsibilities of Caregivers. The Department of Health is deleting section (2).

PURPOSE: This emergency amendment deletes the requirement that this rule expires on June 30, 2000.

EMERGENCY STATEMENT: This emergency amendment is necessary as it deletes the requirement that this rule expires on June 30, 2000.

Section 210.252.1. RSMo requires inspections for fire safety by the state fire marshal, and health and sanitation inspections by the Department of Health (DOH) for child care facilities that are exempt from licensure by the DOH. Currently, there are 493 child care facilities operated by religious organizations and 124 nursery schools that are being inspected annually. These inspections are vital to the health, safety, and well being of children in child care facilities. Section 210.252.5 RSMo requires the DOH to promulgate rules and regulations for the inspection of child care facilities that are exempt from licensure in order to protect the children in child care facilities. This rule must continue in effect for the DOH to maintain these inspections and meet the requirements of section 210.252.5.

This rule provides the requirements for supervision, admission of children, discipline, diapering of children, nutrition, and sanitation of kitchens in child care facilities. Without this rule, the health, safety, and well being of children in child care facilities would not be assured.

The Missouri Department of Health finds an immediate danger to the public health and welfare and a compelling government interest, which require emergency action. The scope of this rule is limited to the circumstances creating the emergency and complies with the protections extended in the *Missouri and United States Constitutions*. The Department of Health believes this emergency rule is fair to all interested persons and parties under the circumstances. This emergency amendment was filed March 1, 2000, effective March 11, 2000, and expires September 6, 2000.

[(2) This rule expires on June 30, 2000.]

AUTHORITY: sections 210.221.1(3) and 210.252.5, RSMo [1994] Supp. 1999. This rule was previously filed as 19 CSR 40-60.070. Original rule filed Dec. 1, 1994, effective July 30, 1995. Changed to 19 CSR 30-60.070 July 30, 1998. Emergency amendment filed March 1, 2000, effective March 11, 2000, expires Sept. 6, 2000. A proposed amendment covering this same material is published in this issue of the *Missouri Register*.

Title 19—DEPARTMENT OF HEALTH
Division 30—Division of Health Standards and
Licensure
Chapter 60—License-Exempt Child Care Facilities

EMERGENCY AMENDMENT

19 CSR 30-60.080 Fire Safety Requirements. The Department of Health is deleting section (6).

PURPOSE: This emergency amendment deletes the requirement that this rule expires on June 30, 2000.

EMERGENCY STATEMENT: This emergency amendment is necessary as it deletes the requirement that this rule expires on June 30, 2000.

Section 210.252.1. RSMo requires inspections for fire safety by the state fire marshal, and health and sanitation inspections by the Department of Health (DOH) for child care facilities that are exempt from licensure by the DOH. Currently, there are 493 child care facilities operated by religious organizations and 124 nursery schools that are being inspected annually. These inspections are vital to the health, safety, and well being of children in child care facilities. Section 210.252.5 RSMo requires the DOH to promulgate rules and regulations for the inspection of child care facilities that are exempt from licensure in order to protect the children in child care facilities. This rule must continue in effect for the DOH to maintain these inspections and meet the requirements of section 210.252.5.

Since the effective date of this rule on July 30, 1995, the office of the State Fire Marshal has implemented this rule by conducting fire inspections in license-exempt child care facilities. This rule provides the requirements for exits, detection and extinguishment systems, heating equipment, fire and tornado drills, and other fire safety requirements. Without this rule, children in child care facilities would not be adequately protected from fires, and there is a serious risk of injury or death of the children.

The Missouri Department of Health finds an immediate danger to the public health and welfare and a compelling government interest, which require emergency action. The scope of this rule is limited to the circumstances creating the emergency and complies with the protections extended in the *Missouri and United States Constitutions*. The Department of Health believes this emergency rule is fair to all interested persons and parties under the circumstances. This emergency amendment was filed March 1, 2000, effective March 11, 2000, and expires September 6, 2000.

[(6) This rule expires on June 30, 2000.]

AUTHORITY: sections 210.221.1(3) and 210.252.5, RSMo [1994] Supp. 1999. This rule was previously filed as 19 CSR 40-60.080. Original rule filed Dec. 1, 1994, effective July 30, 1995. Changed to 19 CSR 30-60.080 July 30, 1998. Emergency amendment filed March 1, 2000, effective March 11, 2000, expires Sept. 6, 2000. A proposed amendment covering this same material is published in this issue of the *Missouri Register*.

Title 19—DEPARTMENT OF HEALTH
Division 30—Division of Health Standards and
Licensure
Chapter 60—License-Exempt Child Care Facilities

EMERGENCY AMENDMENT

19 CSR 30-60.090 Sanitation Requirements. The Department of Health is deleting section (10).

PURPOSE: This emergency amendment deletes the requirement that this rule expires on June 30, 2000.

EMERGENCY STATEMENT: This emergency amendment is necessary as it deletes the requirement that this rule expires on June 30, 2000.

Section 210.252.1. RSMo requires inspections for fire safety by the state fire marshal, and health and sanitation inspections by the Department of Health (DOH) for child care facilities that are exempt from licensure by the DOH. Currently, there are 493 child care facilities operated by religious organizations and 124 nursery schools that are being inspected annually. These inspections are vital to the health, safety, and well being of children in child care facilities. Section 210.252.5 RSMo requires the DOH to promulgate rules and regulations for the inspection of child care facilities that are exempt from licensure in order to protect the children in child care facilities. This rule must continue in effect for the DOH to maintain these inspections and meet the requirements of section 210.252.5.

Since the effective date of this rule, July 30, 1995, the DOH has implemented this rule by requiring sanitation inspections in child care facilities that are exempt from state licensure. In addition to the annual inspections, some of the facilities must receive additional special circumstance sanitation inspections. This includes inspections for emergency situations such as disease outbreaks, exposure to environmental hazards, infestation of insects, lead, and investigation of complaints. Without this rule, the health, safety, and well being of children in child care facilities would not be assured.

The Missouri Department of Health finds an immediate danger to the public health and welfare and a compelling government interest, which require emergency action. The scope of this rule is limited to the circumstances creating the emergency and complies with the protections extended in the *Missouri and United States Constitutions*. The Department of Health believes this emergency rule is fair to all interested persons and parties under the circumstances. This emergency amendment was filed March 1, 2000, effective March 11, 2000, and expires September 6, 2000.

[(10) This rule expires on June 30, 2000.]

AUTHORITY: sections 210.221.1(3) and 210.252.5, RSMo [1994] Supp. 1999. This rule was previously filed as 19 CSR 40-60.090. Original rule filed Dec. 1, 1994, effective July 30, 1995. Changed to 19 CSR 30-60.090 July 30, 1998. Emergency amendment filed March 1, 2000, effective March 11, 2000, expires Sept. 6, 2000. A proposed amendment covering this same material is published in this issue of the *Missouri Register*.

Title 19—DEPARTMENT OF HEALTH
Division 30—Division of Health Standards and
Licensure
Chapter 60—License-Exempt Child Care Facilities

EMERGENCY AMENDMENT

19 CSR 30-60.100 Physical Plant, Space, Supplies and Equipment. The Department of Health is deleting section (8).

PURPOSE: This emergency amendment deletes the requirement that this rule expires on June 30, 2000.

EMERGENCY STATEMENT: This emergency amendment is necessary as it deletes the requirement that this rule expires on June 30, 2000.

Section 210.252.1. RSMo requires inspections for fire safety by the state fire marshal, and health and sanitation inspections by the Department of Health (DOH) for child care facilities that are exempt from licensure by the DOH. Currently, there are 493 child care facilities operated by religious organizations and 124 nursery

schools that are being inspected annually. These inspections are vital to the health, safety, and well being of children in child care facilities. Section 210.252.5 RSMo requires the DOH to promulgate rules and regulations for the inspection of child care facilities that are exempt from licensure in order to protect the children in child care facilities. This rule must continue in effect for the DOH to maintain these inspections and meet the requirements of section 210.252.5.

This rule ensures that the physical plant, space, supplies, and equipment in child care facilities are safe for the care of children. It provides general safety requirements, indoor requirements, safety requirements for the care of infants and toddlers, bathrooms, outdoor play equipment, and other physical plant safety requirements. Without this rule, children in child care facilities would not be adequately protected while on the premises of the child care facility, and there would be a serious risk of injury or death of the children.

The Missouri Department of Health finds an immediate danger to the public health and welfare and a compelling government interest, which require emergency action. The scope of this rule is limited to the circumstances creating the emergency and complies with the protections extended in the *Missouri and United States Constitutions*. The Department of Health believes this emergency rule is fair to all interested persons and parties under the circumstances. This emergency amendment was filed March 1, 2000, effective March 11, 2000, and expires September 6, 2000.

[(8) This rule expires June 30, 2000.]

AUTHORITY: sections 210.221.1(3) and 210.252.5, RSMo [1994] Supp. 1999. This rule was previously filed as 19 CSR 40-60.100. Original rule filed Dec. 1, 1994, effective July 30, 1995. Changed to 19 CSR 30-60.100 July 30, 1998. Emergency amendment filed March 1, 2000, effective March 11, 2000, expires Sept. 6, 2000. A proposed amendment covering this same material is published in this issue of the *Missouri Register*.

Title 19—DEPARTMENT OF HEALTH
Division 30—Division of Health Standards and
Licensure
Chapter 60—License-Exempt Child Care Facilities

EMERGENCY AMENDMENT

19 CSR 30-60.110 Transportation and Field Trip Requirements. The Department of Health is deleting section (4).

PURPOSE: This emergency amendment deletes the requirement that this rule expires on June 30, 2000.

EMERGENCY STATEMENT: This emergency amendment is necessary as it deletes the requirement that this rule expires on June 30, 2000.

Section 210.252.1. RSMo requires inspections for fire safety by the state fire marshal, and health and sanitation inspections by the Department of Health (DOH) for child care facilities that are exempt from licensure by the DOH. Currently, there are 493 child care facilities operated by religious organizations and 124 nursery schools that are being inspected annually. These inspections are vital to the health, safety, and well being of children in child care facilities. Section 210.252.5 RSMo requires the DOH to promulgate rules and regulations for the inspection of child care facilities that are exempt from licensure in order to protect the children in child care facilities. This rule must continue in effect for the DOH

to maintain these inspections and meet the requirements of section 210.252.5.

This rule provides the requirements for the care, safety, and supervision of children when they are transported in a vehicle away from the premises of a child care facility. The rule includes requirements for parental consent for transportation, notification of parents, use of seat belts, qualifications of drivers and other safety requirements. Without this rule, the safe transportation of children away from the premises of the child care facility would not be assured.

The Missouri Department of Health finds an immediate danger to the public health and welfare and a compelling government interest, which require emergency action. The scope of this rule is limited to the circumstances creating the emergency and complies with the protections extended in the **Missouri and United States Constitutions**. The Department of Health believes this emergency rule is fair to all interested persons and parties under the circumstances. This emergency amendment was filed March 1, 2000, effective March 11, 2000, and expires September 6, 2000.

[(4) This rule expires June 30, 2000.]

AUTHORITY: sections 210.221.1(3) and 210.252.5, RSMo [1994] **Supp. 1999**. This rule was previously filed as 19 CSR 40-60.110. Original rule filed Dec. 1, 1994, effective July 30, 1995. Changed to 19 CSR 30-60.110 July 30, 1998. Emergency amendment filed March 1, 2000, effective March 11, 2000, expires Sept. 6, 2000. A proposed amendment covering this same material is published in this issue of the *Missouri Register*.

Title 19—DEPARTMENT OF HEALTH
Division 30—Division of Health Standards and
Licensure
Chapter 60—License-Exempt Child Care Facilities

EMERGENCY AMENDMENT

19 CSR 30-60.120 Admission Procedures and Required Reports and Records. The Department of Health is deleting section (7).

PURPOSE: This emergency amendment deletes the requirement that this rule expires on June 30, 2000.

EMERGENCY STATEMENT: This emergency amendment is necessary as it deletes the requirement that this rule expires on June 30, 2000.

Section 210.252.1. RSMo requires inspections for fire safety by the state fire marshal, and health and sanitation inspections by the Department of Health (DOH) for child care facilities that are exempt from licensure by the DOH. Currently, there are 493 child care facilities operated by religious organizations and 124 nursery schools that are being inspected annually. These inspections are vital to the health, safety, and well being of children in child care facilities. Section 210.252.5 RSMo requires the DOH to promulgate rules and regulations for the inspection of child care facilities that are exempt from licensure in order to protect the children in child care facilities. This rule must continue in effect for the DOH to maintain these inspections and meet the requirements of section 210.252.5.

This rule provides the requirements for admission of a child to a child care facility. It includes a plan for caring for children if they become ill; written information for each child that must be on file at the facility; emergency medical information for each child;

emergency contacts; the name and number of an approved physician; the names of individuals approved to take the child from the facility, and other vital information regarding the child's care. Without this rule, the health, safety, and well being of children in child care facilities would not be assured.

The Missouri Department of Health finds an immediate danger to the public health and welfare and a compelling government interest, which require emergency action. The scope of this rule is limited to the circumstances creating the emergency and complies with the protections extended in the **Missouri and United States Constitutions**. The Department of Health believes this emergency rule is fair to all interested persons and parties under the circumstances. This emergency amendment was filed March 1, 2000, effective March 11, 2000, and expires September 6, 2000.

[(7) This rule expires on June 30, 2000.]

AUTHORITY: sections 210.221.1(3) and 210.252.5, RSMo [1994] **Supp. 1999**. This rule was previously filed as 19 CSR 40-60.120. Original rule filed Dec. 1, 1994, effective July 30, 1995. Changed to 19 CSR 30-60.120 July 30, 1998. Emergency amendment filed March 1, 2000, effective March 11, 2000, expires Sept. 6, 2000. A proposed amendment covering this same material is published in this issue of the *Missouri Register*.

Title 19—DEPARTMENT OF HEALTH
Division 30—Division of Health Standards and
Licensure
Chapter 62—Licensing Rules for Group Day Care
Homes and Child Day Care Centers

EMERGENCY AMENDMENT

19 CSR 30-62.087 Fire Safety. The Department of Health is amending section (12).

PURPOSE: This emergency amendment will require that licensed group day care homes and child day care centers must have smoke detectors in each room where children are being cared for and a manual fire alarm system with pull stations mounted at each exit door.

EMERGENCY STATEMENT: The emergency amendment is necessary as the requirements for smoke detectors in each room where children are being cared for, and the requirement for a manual fire alarm system with pull stations mounted at each exit door were inadvertently omitted from 19 CSR 40-62.087 Fire Safety that became effective on September 30, 1999. Regulation 19 CSR 40-62.087 was promulgated requiring smoke detectors and manual fire alarm systems only for facilities initially licensed and areas initially approved for child care on or after the effective date of this rule. It is vital to the safety of the children that existing facilities also be required to maintain smoke detectors and fire alarm systems in good working order.

Due to the physical arrangement of space in a child care center, the large number of children in care, and the ages of the children, children must receive assistance to escape safely from a fire. As staff must locate and assist each child, early notification of staff and occupants throughout the facility is essential. Without smoke detectors and fire alarm systems this is not possible and there is a serious risk of injury or death of the children.

The Missouri Department of Health finds an immediate danger to the public health and welfare and a compelling government interest, which require emergency action. The scope of this rule is

limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. The Department of Health believes this emergency rule is fair to all interested persons and parties under the circumstances. This emergency amendment was filed March 1, 2000, effective March 11, 2000, and expires September 6, 2000.

(12) Detection, Alarms, and Extinguishment.

(D) *[In addition to meeting all the requirements of this rule, facilities initially licensed and areas initially approved for child care on or after the effective date of this rule, shall meet the following requirements. If alterations are made in facilities licensed prior to the effective date of this rule, those facilities shall meet these requirements in the altered space—]* **A smoke detector(s) shall be installed in each room where children are being cared for and all other areas that are deemed necessary by the fire inspector. Smoke detectors shall be in good operating condition and functional at all times. If smoke detectors are not operational, the provider shall install smoke detectors as required by 19 CSR 30-62.087 (12)(F)1. Fire Safety.**

[1.] (E) All facilities shall have a manual fire alarm system. Pull stations shall be mounted at each exit door and at least one (1) horn or strobe light shall be installed in a central location on each floor. Additional horns or strobe lights may be required by the fire inspector dependent upon the floor plan and arrangement of space. The battery backup control panel shall be Underwriter's Laboratory (UL) or Factory Mutual (FM) listed and installed on a circuit used only for this system in the breaker box. The fire alarm system shall be installed and maintained in good working order. The fire inspector shall base the inspection of this system on the National Fire Protection Association Standards, *National Fire Alarm Code*. This does not apply to facilities housed in one (1) room only where all exit doors lead directly outside at level exit discharge.

(F) **In addition to meeting all the requirements of this rule, facilities initially licensed and areas initially approved for child care on or after the effective date of this rule, shall meet the following requirements. If alterations are made in facilities licensed prior to the effective date of this rule, those facilities shall meet these requirements in the altered space—**

[2.] 1. Group day care homes and day care centers caring for fifty (50) or fewer children at one (1) time shall have smoke detectors installed in each room used by the children and in other locations as deemed necessary by the fire inspector. All smoke detectors shall be powered by the building's electrical system and have a battery backup. When more than one (1) smoke detector is required in a facility, they shall be arranged so that the activation of any detector causes the operation of an alarm in all detectors. This system may work independently from the manual fire alarm system;

[3.] 2. Day care centers caring for more than fifty (50) children at one time shall have a full coverage fire alarm system. Smoke detectors shall be installed in each room, throughout hallways, and in other locations as deemed necessary by the fire inspector. Heat detectors shall be installed in the attic, kitchen, mechanical rooms, and other locations as deemed necessary by the fire inspector. The fire alarm system shall be installed and maintained in good working order. The fire inspector shall base the inspection of this system on the National Fire Protection Association Standards, *National Fire Alarm Code*; and

[4.] 3. Facilities using a commercial stove, deep fryer, two (2) home-type ranges placed side by side, or a home-type range that produces grease laden vapor, shall be equipped with a range hood and extinguishing system with an automatic cut-off of fuel supply and exhaust system in case of fire. The fire inspector shall

inspect these systems to ensure that they are in good working condition and are installed and maintained correctly. The inspector shall base this inspection on the National Fire Protection Association, Chapter 96, Standard for Fire Protection of Commercial Cooking Operations.

A. Home-type stoves separated by an eighteen inch (18")-cabinet shall not be required to have an extinguishing system installed above them.

B. Facilities that cook on a home-type range and have a menu that does not include frying or emitting a grease-laden vapor, shall not be required to install a fire extinguishment system above the range.

C. The range hood fire extinguishment system shall be interconnected with the control panel of the fire alarm system. The activation of the range hood fire extinguishment system shall cause the fire alarm to activate throughout the building.

[(E)] (G) Day care centers caring for more than one hundred (100) children at one time shall have a fire alarm system that notifies a monitoring company or the fire department. A copy of the contract with the monitoring company shall be on file at the facility and available for review by the fire inspector. The contract with the monitoring company shall not be terminated without approval of the fire inspector.

[(F)] (H) Facilities that have a supervised automatic fire sprinkler system installed shall have the system tested and approved annually by a fire sprinkler company. A copy of the test report and approval of the system shall be kept on file at the facility and available for review by the fire inspector.

[(G)] (I) When child care space is located above the second floor, the entire building shall be protected by a supervised automatic sprinkler system.

AUTHORITY: *sections 210.221.1(3) and 210.252.5, RSMo [Supp. 1998] Supp. 1999. Original rule filed Feb. 18, 1999, effective Sept. 30, 1999. Emergency amendment filed March 1, 2000, effective March 11, 2000, expires Sept. 6, 2000. A proposed amendment covering this same material is published in this issue of the Missouri Register.*

Under this heading will appear the text of proposed rules and changes. The notice of proposed rulemaking is required to contain an explanation of any new rule or any change in an existing rule and the reasons therefor. This is set out in the Purpose section with each rule. Also required is a citation to the legal authority to make rules. This appears following the text of the rule, after the word "Authority."

Entirely new rules are printed without any special symbolology under the heading of the proposed rule. If an existing rule is to be amended or rescinded, it will have a heading of proposed amendment or proposed rescission. Rules which are proposed to be amended will have new matter printed in boldface type and matter to be deleted placed in brackets.

An important function of the *Missouri Register* is to solicit and encourage public participation in the rule-making process. The law provides that for every proposed rule, amendment or rescission there must be a notice that anyone may comment on the proposed action. This comment may take different forms.

If an agency is required by statute to hold a public hearing before making any new rules, then a Notice of Public Hearing will appear following the text of the rule. Hearing dates must be at least 30 days after publication of the notice in the *Missouri Register*. If no hearing is planned or required, the agency must give a Notice to Submit Comments. This allows anyone to file statements in support of or in opposition to the proposed action with the agency within a specified time, no less than 30 days after publication of the notice in the *Missouri Register*.

An agency may hold a public hearing on a rule even though not required by law to hold one. If an agency allows comments to be received following the hearing date, the close of comments date will be used as the beginning day in the 90-day-count necessary for the filing of the order of rulemaking.

If an agency decides to hold a public hearing after planning not to, it must withdraw the earlier notice and file a new notice of proposed rulemaking and schedule a hearing for a date not less than 30 days from the date of publication of the new notice.

Proposed Amendment Text Reminder:

Boldface text indicates new matter.

[Bracketed text indicates matter being deleted.]

**Title 2—DEPARTMENT OF AGRICULTURE
Division 90—Weights and Measures
Chapter 20—Method of Sale for Products**

PROPOSED AMENDMENT

2 CSR 90-20.040 NIST Handbook 130, "Uniform Regulation for the Method of Sale of Commodities." The director of agriculture is amending section (1).

PURPOSE: *This amendment adopts the 2000 edition of NIST Handbook 130, Uniform Laws and Regulations, which provides the guidelines for method of sale of commodities.*

(1) The rule for the *[d]*Division of Weights and Measures for method of sale of commodities shall incorporate by reference the

section of the *NIST Handbook 130, [1998] 2000* edition, entitled "Regulation for the Method of Sale of Commodities."

AUTHORITY: *section 413.065, RSMo [Supp. 1997] Supp. 1999. Original rule filed May 9, 1984, effective Aug. 11, 1984. Amended: Filed March 3, 1986, effective June 12, 1986. Amended: Filed Feb. 3, 1989, effective April 27, 1989. Amended: Filed Nov. 1, 1989, effective Feb. 11, 1990. Amended: Filed Dec. 11, 1991, effective April 9, 1992. Amended: Filed Feb. 24, 1995, effective Aug. 30, 1995. Amended: Filed Aug. 13, 1996, effective Feb. 28, 1997. Amended: Filed April 9, 1998, effective Oct. 30, 1998. Amended: Filed Feb. 25, 2000.*

PUBLIC COST: *This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.*

PRIVATE COST: *This proposed amendment will not cost private entities more than \$500 in the aggregate.*

NOTICE TO SUBMIT COMMENTS: *Anyone may file a statement in support of or in opposition to this proposed amendment with the Division of Weights and Measures, Roy Humphreys, Director, P.O. Box 630, Jefferson City, MO 65102-0630. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 2—DEPARTMENT OF AGRICULTURE
Division 90—Weights and Measures
Chapter 22—Packaging and Labeling**

PROPOSED AMENDMENT

2 CSR 90-22.140 NIST Handbook 130, "Uniform Packaging and Labeling Regulation." The director of agriculture is amending section (1).

PURPOSE: *This amendment adopts the 2000 edition of NIST Handbook 130, Uniform Laws and Regulations, which provides the guidelines for packaging and labeling.*

(1) The rule for the *[d]*Division of Weights and Measures for packaging and labeling shall incorporate by reference the section of the *[1998] 2000* edition of *NIST Handbook 130*, entitled "Uniform Packaging and Labeling Regulation."

AUTHORITY: *section 413.065, RSMo [Supp. 1997] Supp. 1999. Original rule filed May 9, 1984, effective Sept. 14, 1984. Amended: Filed March 3, 1986, effective June 12, 1986. Amended: Filed Feb. 3, 1989, effective April 27, 1989. Amended: Filed Nov. 1, 1989, effective Feb. 11, 1990. Amended: Filed Dec. 11, 1991, effective April 9, 1992. Amended: Filed Feb. 24, 1995, effective Aug. 30, 1995. Amended: Filed Aug. 13, 1996, effective Feb. 28, 1997. Amended: Filed April 9, 1998, effective Oct. 30, 1998. Amended: Filed Feb. 25, 2000.*

PUBLIC COST: *This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.*

PRIVATE COST: *This proposed amendment will not cost private entities more than \$500 in the aggregate.*

NOTICE TO SUBMIT COMMENTS: *Anyone may file a statement in support of or in opposition to this proposed amendment with the Division of Weights and Measures, Roy Humphreys, Director, P.O. Box 630, Jefferson City, MO 65102-0630. To be considered, comments must be received within thirty days after publication of*

this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 2—DEPARTMENT OF AGRICULTURE
Division 90—Weights and Measures
Chapter 25—Price Verification**

PROPOSED AMENDMENT

2 CSR 90-25.010 Price Verification Procedures. The director of agriculture is amending section (1).

PURPOSE: This amendment adopts the 2000 edition of *NIST Handbook 130, Uniform Laws and Regulations*, which provides the guidelines for price verification procedures.

(1) The Division of Weights and Measures shall follow the examination procedure for price verification incorporated by reference in the section of *NIST Handbook 130, [1998] 2000* edition, entitled "Examination Procedure for Price Verification."

AUTHORITY: section 413.065, RSMo [Supp. 1997] Supp. 1999. Original rule filed Aug. 13, 1996, effective Feb. 28, 1997. Amended: Filed April 9, 1998, effective Oct. 30, 1998. Amended: Filed Feb. 25, 2000.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Division of Weights and Measures, Roy Humphreys, Director, P.O. Box 630, Jefferson City, MO 65102-0630. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 193—Interior Design Council
Chapter 1—General Rules**

PROPOSED RULE

4 CSR 193-1.010 Definitions

PURPOSE: This rule defines terms used in the rules of the Interior Design Council.

(1) "Applicant"—An individual submitting an application for registration as a registered commercial interior designer pursuant to sections 324.400 through 324.439, RSMo.

(2) "Council"—Interior Design Council.

(3) "NCIDQ"—National Council for Interior Design Qualification. The NCIDQ serves to identify to the public those interior designers who have met the minimum standards for professional practice by passing the NCIDQ examinations.

(4) "Licensee"—An individual licensed as a registered commercial interior designer pursuant to sections 324.400 through 324.439, RSMo.

(5) "FIDER"—Foundation for Interior Design Education Research.

(6) "Division"—Division of Professional Registration of the Missouri Department of Economic Development.

AUTHORITY: sections 324.400 and 324.412, RSMo Supp. 1999. Original rule filed Feb. 25, 2000.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Interior Design Council, Judith Kolb, Executive Director, P.O. Box 1335, Jefferson City, MO 65102-1335. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 193—Interior Design Council
Chapter 1—General Rules**

PROPOSED RULE

4 CSR 193-1.020 General Organization

PURPOSE: This rule describes the organization and general method of administration and communication concerning the Interior Design Council.

(1) The division and the council, in collaboration with each other, will regulate the practice of registered commercial interior designers concerning the health, safety and welfare of the inhabitants of this state; protect against the unlawful practice of registered commercial interior designers; and implement and sustain a system for the regulation of registered commercial interior designers.

(2) The council shall meet at least twice a year or as frequently as the chairperson, council, or division requires. Annually, the council shall elect a chairperson and vice-chairperson by a majority of board member votes and in the absence of the chairperson the vice-chairperson shall preside. All notices of meetings shall be posted in compliance with Chapter 610, RSMo.

(3) The director of the division or a designated representative of the division shall be responsible for keeping the minutes of the council proceedings and perform other duties requested by the division or council.

(4) Council meetings will consist of performing the business of regulating registered commercial interior designers including, but not limited to, establishing requirements for issuance and renewal of licenses; reviewing applications; interviewing applicants; investigating complaints and inquiries; reviewing and approving continued competency requirements; and determining disciplinary actions.

(5) Any person requiring information, an application, or a complaint form from the council may contact the council by writing to the Interior Design Council, P.O. Box 1335, Jefferson City, MO 65102-1335 or by calling (573) 522-4683. The telecommunications device for the deaf (TDD) is (800) 735-2966.

AUTHORITY: sections 324.406, 324.412 and 324.436, RSMo Supp. 1999. Original rule filed Feb. 25, 2000.

PUBLIC COST: This proposed rule is estimated to cost the Interior Design Council \$3,896 annually for the life of the rule. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.

PRIVATE COST: This proposed rule will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Interior Design Council, Judith Kolb, Executive Director, P.O. Box 1335, Jefferson City, MO 65102-1335. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

Division of Professional Registration
FISCAL NOTE
PUBLIC ENTITY COST

I. RULE NUMBER

Title: 4 – Department of Economic Development

Division: 193 – Interior Design Council

Chapter: 1 – General Rules

Type of Rulemaking: Proposed Rule

Rule Number and Name: 4 CSR 193-1.020 General Organization

Prepared December 27, 1999 by the Interior Design Council of the Department of Economic Development.

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Annual Cost of Compliance for the Life of the Rule
Interior Design Council	\$3,896.00

III. WORKSHEET

The costs for this rule are detailed in the table below and are based on the following assumptions:

- 1) Personal service costs are incurred for staff time to handle inquiries, prepare meeting agendas and to attend meetings of the council.
- 2) Expense and equipment costs are incurred for meeting preparation and council expenses incurred in holding council meetings;
- 3) Transfers are costs incurred for council and staff support provided by the Division of Professional Registration (also includes data processing, cash receiving room and MIS) and costs incurred for services provided by agencies such as the Office of the Attorney General, Secretary of State and State Auditor.

Table 1 – Estimated Cost of Compliance by Category of Allocation

Category of Allocation	Licensure – 7%	Enforcement – 6%
Personal Service	\$870.00	\$497.00
Expense & Equipment	\$650.00	\$372.00
Transfers	\$959.00	\$548.00
TOTAL	\$2,479.00	\$1,417.00

IV. ASSUMPTIONS

In developing this fiscal note, the total public entity costs of the Interior Design Council were determined by using allotment figures for personal service, expense and equipment, and transfers based on actual costs incurred for a board of similar size. These annual costs will recur each year

for the life of the rule; may vary with inflation; and are expected to increase annually at the rate projected by the Legislative Oversight Committee.

For the purpose of calculating the fiscal impact of the administrative rules, two major categories of council activity were identified: licensure and enforcement. The council estimates 60% of personal service, expense & equipment and transfer costs will be dedicated to the licensure effort and an estimated 40% of personal service, expense & equipment and transfer costs will be dedicated to the enforcement effort. Transfer costs include rent and utilities. (See Table 2, 3 & 4)

Table 2— Allocation of Personal Service Dollars

Allotment	Percentage & Category	Dollar Amount
\$20,725.00	60% - Licensure	\$12,435.00
\$20,725.00	40% - Enforcement	\$8,290.00

Table 3— Allocation of Expense & Equipment Dollars

Allotment	Percentage & Category	Dollar Amount
\$15,486.00	60% - Licensure	\$9,292.00
\$15,486.00	40% - Enforcement	\$6,194.00

Table 4— Allocation of Transfer Dollars

Allotment	Percentage & Category	Dollar Amount
\$22,835.00	60% - Licensure	\$13,701.00
\$22,835.00	40% - Enforcement	\$9,134.00

In allocating costs, this proposed rule was reviewed to determine if the rule contained attributes of licensure and/or enforcement. It is estimated that 7% of the total time involving the administration of the proposed rule will be spent on licensure efforts and 6% of the time will spent on enforcement efforts. These percentages have been applied to personal service, expense & equipment and transfer dollars. (See Table 1)

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 193—Interior Design Council
Chapter 1—General Rules**

PROPOSED RULE

4 CSR 193-1.030 Name and Address Changes

PURPOSE: This rule outlines procedures to be followed for name and address changes.

(1) A licensee shall not display or present to the public a license that does not bear the current legal name and address of that individual.

(2) A licensee whose name, address, and/or telephone number has changed shall within thirty (30) days of the change:

(A) Notify the division in writing of the change and provide a copy of the appropriate document indicating a change of name;

(B) Request from the division a new license bearing the individual's new legal name and/or address if applicable; and

(C) Return the current license bearing the former name or address, if applicable.

(3) A licensee may request a replacement wall-hanging certificate by paying the wall-hanging replacement fee.

AUTHORITY: section 324.412, RSMo Supp. 1999. Original rule filed Feb. 25, 2000.

PUBLIC COST: This proposed rule is estimated to cost the Interior Design Council \$2,008 annually for the life of the rule. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.

PRIVATE COST: This proposed rule will cost private entities an estimated \$1,594.33 annually for the life of the rule. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Interior Design Council, Judith Kolb, Executive Director, P.O. Box 1335, Jefferson City, MO 65102-1335. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**Division of Professional Registration
FISCAL NOTE
PUBLIC ENTITY COST**

I. RULE NUMBER**Title:** 4 – Department of Economic Development**Division:** 193 – Interior Design Council**Chapter:** 1 – General Rules**Type of Rulemaking:** Proposed Rule**Rule Number and Name:** 4 CSR 193-1.030 Name and Address Change

Prepared December 27, 1999 by the Interior Design Council of the Department of Economic Development.

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Annual Cost of Compliance for the Life of the Rule
Interior Design Council	\$2,008.00

III. WORKSHEET

The costs for this rule are detailed in the table below and are based on the following assumptions:

- 1) Personal service costs are incurred for staff time to handle inquiries, correspondence, process name and address changes and supporting documentation.
- 2) Expense and equipment costs are incurred for meeting preparation and council expenses incurred for issuing and mailing duplicate licenses;
- 3) Transfers are costs incurred for council and staff support provided by the Division of Professional Registration (also includes data processing, cash receiving room and MIS) and costs incurred for services provided by agencies such as the Office of the Attorney General, Secretary of State and State Auditor.

Table 1 – Estimated Cost of Compliance by Category of Allocation

Category of Allocation	Licensure – 5%	Enforcement – 1%
Personal Service	\$622.00	\$83.00
Expense & Equipment	\$465.00	\$62.00
Transfers	\$685.00	\$91.00
TOTAL	\$1,772.00	\$236.00

IV. ASSUMPTIONS

In developing this fiscal note, the total public entity costs of the Interior Design Council were determined by using allotment figures for personal service, expense and equipment, and transfers based on actual costs incurred for a board of similar size. These annual costs will recur each year

for the life of the rule; may vary with inflation; and are expected to increase annually at the rate projected by the Legislative Oversight Committee.

For the purpose of calculating the fiscal impact of the administrative rules, two major categories of council activity were identified: licensure and enforcement. The council estimates 60% of personal service, expense & equipment and transfer costs will be dedicated to the licensure effort and an estimated 40% of personal service, expense & equipment and transfer costs will be dedicated to the enforcement effort. Transfer costs include rent and utilities. (See Table 2, 3 & 4)

Table 2– Allocation of Personal Service Dollars

Allotment	Percentage & Category	Dollar Amount
\$20,725.00	60% - Licensure	\$12,435.00
\$20,725.00	40% - Enforcement	\$8,290.00

Table 3– Allocation of Expense & Equipment Dollars

Allotment	Percentage & Category	Dollar Amount
\$15,486.00	60% - Licensure	\$9,292.00
\$15,486.00	40% - Enforcement	\$6,194.00

Table 4– Allocation of Transfer Dollars

Allotment	Percentage & Category	Dollar Amount
\$22,835.00	60% - Licensure	\$13,701.00
\$22,835.00	40% - Enforcement	\$9,134.00

In allocating costs, this proposed rule was reviewed to determine if the rule contained attributes of licensure and/or enforcement. It is estimated that 5% of the total time involving the administration of the proposed rule will be spent on licensure efforts and 1% of the time will spent on enforcement efforts. These percentages have been applied to personal service, expense & equipment and transfer dollars. (See Table 1)

**FISCAL NOTE
PRIVATE ENTITY COST**

I. RULE NUMBER

Title: 4 – Department of Economic Development

Division: 193 - Division of Professional Registration - Interior Design Council

Chapter: 2 – Licensure Requirements

Type of Rulemaking: Proposed Rule

Rule Number and Name: 4 CSR 193-1.030 Name and Address Changes

Prepared December 27, 1999 by the Interior Design Council of the Department of Economic Development

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimated cost of compliance with the rule by the affected entities:
104	Individuals (notification of change)	\$34.32
104	Individuals (replacement wall hanging fee)	\$1,560.00
Estimated Annual Cost of Compliance for the Life of the Rule		\$1,594.33

III. WORKSHEET

Postage @ \$.33

Replacement wall hanging fee @ \$15.00

IV. ASSUMPTIONS

1. The board anticipates that twenty percent (20%) of the board's licensees will request a replacement wall-hanging certificate annually for the life of the rule. The board estimates this process will cost each applicant approximately \$15.33.
2. The private entity cost for this proposed rule is estimated to be \$1,594.33 annually for the life of the rule. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 193—Interior Design Council
Chapter 2—Licensure Requirements**

PROPOSED RULE

4 CSR 193-2.010 Application

PURPOSE: This rule is to prescribe the regulations necessary to administer the initial application procedures of section 324.415, RSMo for registered commercial interior designers.

(1) An applicant may apply for registration as a registered commercial interior designer by submitting the required application fee and the following information and documents to the council:

(A) Fully completed application on forms prescribed by the division, including the following:

1. Verification of experience from "five client references." Each client reference shall verify commercial interior design experience of the applicant;

2. Verification of experience by "business or employment verifications." Business and employment verifications shall verify diversified and appropriate interior design experience of the applicant within each year of qualifying experience; and

3. Verification of experience from "five industry references." Industry references shall be obtained from industry vendors, contractors and other commercial design professionals, and shall verify commercial interior design experience of the applicant;

(B) Official transcripts from the accredited institutions attended by applicant showing completion of the licensure education requirements, if applicable;

(C) Verification from National Council for Interior Design Qualification (NCIDQ) of passing the full examination administered by NCIDQ, if applicable;

(D) Verification from NCIDQ of having taken and passed the building or barrier free portion of the examination administered by NCIDQ, if applicable;

(E) Verification of passing the American Institute of Interior Designers accreditation examination, if applicable;

(F) Authorization to the council to verify current registration of the applicant pursuant to sections 327.091 to 327.171, RSMo, and section 327.401, RSMo, pertaining to the practice of architecture and the architect's registration number, if applicable; and

(G) Any other pertinent information and forms as are required by law or the council.

(2) The application must be typewritten or printed and signed by the applicant before a notary.

(3) If after review of the application the council decides the evidence provided is inadequate to establish the applicant's qualifications for registration, the applicant shall provide further information as is requested by the council.

(4) An application, if accompanied by all items required by law and these rules, shall be deemed submitted as of the date received by the council or the date postmarked by the United States Postal Service, whichever is earlier.

AUTHORITY: sections 324.409, 324.412 and 324.415, RSMo Supp. 1999. Original rule filed Feb. 25, 2000.

PUBLIC COST: This proposed rule is estimated to cost the Interior Design Council \$19,841 annually for the life of the rule. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee. A detailed

fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.

PRIVATE COST: This proposed rule will cost private entities an estimated \$412,915 for the first year of implementation of the rule. Thereafter, the board is anticipating an annual growth rate of 6% in licensees and estimates the total aggregate cost per year will be \$24,774.90. It is anticipated that the total aggregate cost per year will recur each year for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Interior Design Council, Judith Kolb, Executive Director, P.O. Box 1335, Jefferson City, MO 65102-1335. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Division of Professional Registration
FISCAL NOTE
PUBLIC ENTITY COST**

I. RULE NUMBER**Title:** 4 – Department of Economic Development**Division:** 193 – Interior Design Council**Chapter:** 2 – Licensure Requirements**Type of Rulemaking:** Proposed Rule**Rule Number and Name:** 4 CSR 193-2.010 Application

Prepared December 27, 1999 by the Interior Design Council of the Department of Economic Development.

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Annual Cost of Compliance for the Life of the Rule
Interior Design Council	\$19,841.00

III. WORKSHEET

The costs for this rule are detailed in the table below and are based on the following assumptions:

- 1) Personal service costs are incurred for staff time to handle inquiries, correspondence, process applications and supporting documentation, prepare meeting agendas, and to implement council/division directives.
- 2) Expense and equipment costs are incurred for meeting preparation and council expenses incurred for issuing interior designer licenses;
- 3) Transfers are costs incurred for council and staff support provided by the Division of Professional Registration (also includes data processing, cash receiving room and MIS) and costs incurred for services provided by agencies such as the Office of the Attorney General, Secretary of State and State Auditor.

Table 1 – Estimated Cost of Compliance by Category of Allocation

Category of Allocation	Licensure – 52%	Enforcement – 6%
Personal Service	\$6,466.00	\$498.00
Expense & Equipment	\$4,833.00	\$372.00
Transfers	\$7,124.00	\$548.00
TOTAL	\$18,423.00	\$1,418.00

IV. ASSUMPTIONS

In developing this fiscal note, the total public entity costs of the Interior Design Council were determined by using allotment figures for personal service, expense and equipment, and transfers

based on actual costs incurred for a board of similar size. These annual costs will recur each year for the life of the rule; may vary with inflation; and are expected to increase annually at the rate projected by the Legislative Oversight Committee.

For the purpose of calculating the fiscal impact of the administrative rules, two major categories of council activity were identified: licensure and enforcement. The council estimates 60% of personal service, expense & equipment and transfer costs will be dedicated to the licensure effort and an estimated 40% of personal service, expense & equipment and transfer costs will be dedicated to the enforcement effort. Transfer costs include rent and utilities. (See Table 2, 3 & 4)

Table 2— Allocation of Personal Service Dollars

Allotment	Percentage & Category	Dollar Amount
\$20,725.00	60% - Licensure	\$12,435.00
\$20,725.00	40% - Enforcement	\$8,290.00

Table 3— Allocation of Expense & Equipment Dollars

Allotment	Percentage & Category	Dollar Amount
\$15,486.00	60% - Licensure	\$9,292.00
\$15,486.00	40% - Enforcement	\$6,194.00

Table 4— Allocation of Transfer Dollars

Allotment	Percentage & Category	Dollar Amount
\$22,835.00	60% - Licensure	\$13,701.00
\$22,835.00	40% - Enforcement	\$9,134.00

In allocating costs, this proposed rule was reviewed to determine if the rule contained attributes of licensure and/or enforcement. It is estimated that 40% of the total time involving the administration of the proposed rule will be spent on licensure efforts and 4% of the time will spent on enforcement efforts. These percentages have been applied to personal service, expense & equipment and transfer dollars. (See Table 1)

**FISCAL NOTE
PRIVATE ENTITY COST**

I. RULE NUMBER

Title: 4 – Department of Economic Development

Division: 193 - Division of Professional Registration - Interior Design Council

Chapter: 2 – Licensure Requirements

Type of Rulemaking: Proposed Rule

Rule Number and Name: 4 CSR 193-2.010 Application

Prepared December 27, 1999 by the Interior Design Council of the Department of Economic Development

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimated cost of compliance with the rule by the affected entities:
500	Individuals (application fee)	\$37,500.00
500	Individuals (initial registration fee)	\$125,000.00
500	Individual (examination fee)	\$247,500.00
500	Individual (notary)	\$1,250.00
500	Individual (transcript)	\$1,500.00
500	Individual (postage)	\$165.00

**Estimated Cost of Compliance for
the First Year of Implementation
of the Rule**

\$412,915.00

**Estimated Annual Cost of
Compliance for the Life of the
Rule**

**\$412,915.00 with a continuous
annual increase of \$24,774.90**

III. WORKSHEET

Application fee @ \$75.00
Initial Registration fee @ \$250.00
Examination fee @ \$495.00
Notary @ \$2.50
Transcript @ \$3.00
Postage @ \$.33

IV. ASSUMPTIONS

1. The board anticipates 500 individuals will apply for licensure during the first year based on the number of individuals who have contacted the office and requested to be placed on the licensure application mailing list. The board estimates this application process to cost each applicant approximately \$825.83.
2. The private entity cost for this proposed amendment is estimated to be \$412,915.00 for the first year of implementation of the rule. Thereafter, the board is anticipating an annual growth rate of 6% in licensees and estimates the total aggregate cost per year will be \$24,774.90. It is anticipated that the total aggregate cost per year will recur each year for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 193—Interior Design Council
Chapter 2—Licensure Requirements**

PROPOSED RULE

4 CSR 193-2.020 Qualifying Education

PURPOSE: This rule defines the terms outlined in section 324.409, RSMo.

(1) A “five-year or four-year interior design program” shall mean a baccalaureate degree program accredited by Foundation for Interior Design Education Research (FIDER), or a baccalaureate degree program containing coursework in the following content areas:

- (A) Drafting and presentation techniques;
- (B) Fundamentals of space planning and design;
- (C) Materials and methods of construction;
- (D) Furniture, finishes, and equipment;
- (E) History of architecture and the decorative arts;
- (F) Codes—construction, fire, safety, and accessibility;
- (G) Environmental and building systems;
- (H) Color theory and application;
- (I) Business practices and ethics; and
- (J) Construction documents.

(2) “Three years of an interior design curriculum” means at least sixty (60) semester hours of coursework in the following content areas:

- (A) Drafting and presentation techniques;
- (B) Fundamentals of space planning and design;
- (C) Materials and methods of construction;
- (D) Furniture, finishes, and equipment;
- (E) History of architecture and the decorative arts;
- (F) Codes—construction, fire, safety, and accessibility;
- (G) Environmental and building systems;
- (H) Color theory and application;
- (I) Business practices and ethics; and
- (J) Construction documents.

(3) A “two-year interior design program” shall mean an associate degree program accredited by FIDER, or an associate degree program containing coursework in the following content areas:

- (A) Drafting and presentation techniques;
- (B) Fundamentals of space planning and design;
- (C) Materials and methods of construction;
- (D) Furniture, finishes, and equipment;
- (E) History of architecture and the decorative arts;
- (F) Codes—construction, fire, safety, and accessibility; and
- (G) Environmental and building systems.

(4) An “accredited institution” shall mean an institution accredited by an association recognized by the United States Department of Education (USDE) or the Council for Higher Education Accreditation (CHEA).

AUTHORITY: sections 324.409 and 324.412, RSMo Supp. 1999. Original rule filed Feb. 25, 2000.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the

Interior Design Council, Judith Kolb, Executive Director, P.O. Box 1335, Jefferson City, MO 65102-1335. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 193—Interior Design Council
Chapter 2—Licensure Requirements**

PROPOSED RULE

4 CSR 193-2.030 Qualifying Experience

PURPOSE: This rule defines terms outlined in section 324.409, RSMo.

(1) “Diversified and appropriate interior design experience” shall mean experience that includes the practice of interior design for commercial or public spaces in no less than seven (7) of the following areas of practice:

- (A) Space planning;
- (B) Code research and analysis;
- (C) Client contact;
- (D) Programming;
- (E) Schematic design and design development;
- (F) Preparation of construction documents;
- (G) Cost estimating;
- (H) Selection of materials and furnishings;
- (I) Contract documents;
- (J) Bidding procedure; and
- (K) Construction observation.

(2) “Interior design experience acceptable to the council” shall mean experience that is “diversified and appropriate interior design experience” as stated in section (1) of this rule.

(3) One year of experience shall be defined as not fewer than one thousand eight hundred (1,800) clock hours. The applicant shall show “diversified and appropriate interior design experience” for each year of qualifying experience.

AUTHORITY: sections 324.409 and 324.412, RSMo Supp. 1999. Original rule filed Feb. 25, 2000.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Interior Design Council, Judith Kolb, Executive Director, P.O. Box 1335, Jefferson City, MO 65102-1335. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 193—Interior Design Council
Chapter 2—Licensure Requirements**

PROPOSED RULE

4 CSR 193-2.040 Reciprocity/Waiver of Examination

PURPOSE: *This rule is to prescribe the regulations necessary to administer the application procedures for those applying for licensure as registered commercial interior designers under section 324.421, RSMo.*

(1) A person licensed or registered in another state or territory of the United States or foreign country may apply for registration without examination by submitting or causing to be submitted the following:

(A) Fully completed application on forms prescribed by the division, including the following:

1. Verification of experience from "five client references."

Each client reference shall verify commercial interior design experience of the applicant;

2. Verification of experience by "business or employment verifications." Business and employment verifications shall verify diversified and appropriate interior design experience of the applicant within each year of qualifying experience; and

3. Verification of experience from "five industry references." Industry references shall be obtained from industry vendors, contractors and other commercial design professionals, and shall verify commercial interior design experience of the applicant;

(B) Official transcripts from the accredited institutions attended by applicant showing completion of the licensure education requirements, if applicable;

(C) A letter from the licensing authority of the other state or territory of the United States, or foreign country, stating that the applicant's license or registration is current, has not been disciplined, restricted, and that no complaint against the applicant is pending;

(D) Verification from National Council for Interior Design Qualification (NCIDQ) of passing the full examination administered by NCIDQ, or verification of passing an equivalent examination approved by the Missouri Interior Design Council; and

(E) Any other pertinent information and forms as are required by law or the council.

(2) The application must be typewritten or printed and signed by the applicant before a notary.

(3) If after review of the application the council decides the evidence provided is inadequate to establish the applicant's qualifications for registration, the applicant shall provide further information as is requested by the council.

(4) An application, if accompanied by all items required by law and these rules, shall be deemed submitted as of the date received by the council or the date postmarked by the United States Postal Service, whichever is earlier.

(5) After registration, a registrant shall be subject to and shall comply with all provisions of the law and these regulations.

AUTHORITY: *sections 324.409, 324.412, 324.415 and 324.421, RSMo Supp. 1999. Original rule filed Feb. 25, 2000.*

PUBLIC COST: *This proposed rule is estimated to cost the Interior Design Council \$3,543 annually for the life of the rule. It is anticipated that the total aggregate cost per year will recur each year for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.*

PRIVATE COST: *This proposed rule will cost private entities an estimated \$6,623.20 annually for the life of the rule. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee. A detailed*

fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.

NOTICE TO SUBMIT COMMENTS: *Anyone may file a statement in support of or in opposition to this proposed rule with the Interior Design Council, Judith Kolb, Executive Director, P.O. Box 1335, Jefferson City, MO 65102-1335. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

Division of Professional Registration
FISCAL NOTE
PUBLIC ENTITY COST

I. RULE NUMBER

Title: 4 – Department of Economic Development

Division: 193 – Interior Design Council

Chapter: 2 – Licensure Requirements

Type of Rulemaking: Proposed Rule

Rule Number and Name: 4 CSR 193-2.040 Reciprocity/Waiver of Examination

Prepared December 27, 1999 by the Interior Design Council of the Department of Economic Development.

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Annual Cost of Compliance for the Life of the Rule
Interior Design Council	\$3,543.00

III. WORKSHEET

The costs for this rule are detailed in the table below and are based on the following assumptions:

- 1) Personal service costs are incurred for staff time to handle inquiries, correspondence, process applications and supporting documentation, prepare meeting agendas, and to implement council/division directives.
- 2) Expense and equipment costs are incurred for meeting preparation and council expenses incurred in issuing and mailing interior designer licenses;
- 3) Transfers are costs incurred for council and staff support provided by the Division of Professional Registration (also includes data processing, cash receiving room and MIS) and costs incurred for services provided by agencies such as the Office of the Attorney General, Secretary of State and State Auditor.

Table 1 – Estimated Cost of Compliance by Category of Allocation

Category of Allocation	Licensure – 10%	Enforcement – 0%
Personal Service	\$1,244.00	
Expense & Equipment	\$929.00	
Transfers	\$1,370.00	
TOTAL	\$3,543.00	

IV. ASSUMPTIONS

In developing this fiscal note, the total public entity costs of the Interior Design Council were determined by using allotment figures for personal service, expense and equipment, and transfers

based on actual costs incurred for a board of similar size. These annual costs will recur each year for the life of the rule; may vary with inflation; and are expected to increase annually at the rate projected by the Legislative Oversight Committee.

For the purpose of calculating the fiscal impact of the administrative rules, two major categories of council activity were identified: licensure and enforcement. The council estimates 60% of personal service, expense & equipment and transfer costs will be dedicated to the licensure effort and an estimated 40% of personal service, expense & equipment and transfer costs will be dedicated to the enforcement effort. Transfer costs include rent and utilities. (See Table 2, 3 & 4)

Table 2— Allocation of Personal Service Dollars

Allotment	Percentage & Category	Dollar Amount
\$20,725.00	60% - Licensure	\$12,435.00
\$20,725.00	40% - Enforcement	\$8,290.00

Table 3— Allocation of Expense & Equipment Dollars

Allotment	Percentage & Category	Dollar Amount
\$15,486.00	60% - Licensure	\$9,292.00
\$15,486.00	40% - Enforcement	\$6,194.00

Table 4— Allocation of Transfer Dollars

Allotment	Percentage & Category	Dollar Amount
\$22,835.00	60% - Licensure	\$13,701.00
\$22,835.00	40% - Enforcement	\$9,134.00

In allocating costs, this proposed rule was reviewed to determine if the rule contained attributes of licensure and/or enforcement. It is estimated that 10% of the total time involving the administration of the proposed rule will be spent on licensure efforts and 0% of the time will be spent on enforcement efforts. These percentages have been applied to personal service, expense & equipment and transfer dollars. (See Table 1)

**FISCAL NOTE
PRIVATE ENTITY COST**

I. RULE NUMBER

Title: 4 – Department of Economic Development

Division: 193 - Division of Professional Registration - Interior Design Council

Chapter: 2 – Licensure Requirements

Type of Rulemaking: Proposed Rule

Rule Number and Name: 4 CSR 193-2.040 Reciprocity/Waiver of Examination

Prepared December 27, 1999 by the Interior Design Council of the Department of Economic Development

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimated cost of compliance with the rule by the affected entities:
20	Individuals (application fee)	\$1,500.00
20	Individuals (reciprocity fee)	\$5,000.00
20	Individual (postage for verification)	\$6.60
20	Individual (notary)	\$50.00
20	Individual (transcript)	\$60.00
20	Individual (postage)	\$6.60
	Estimated Annual Cost of Compliance for the Life of the Rule	\$6,623.20

III. WORKSHEET

Application fee @ \$75.00
Reciprocity fee @ \$250.00
Postage to send Verification Request form to
each state in which applicant has been
licensed @ \$.33
Notary @ \$2.50
Transcript @ \$3.00
Postage @ \$.33

IV. ASSUMPTIONS

1. The board anticipates 20 individuals will apply for reciprocity. The board estimates this application process to cost each applicant approximately \$331.16.
2. The private entity cost for this proposed amendment is estimated to be \$6,623.20 annually for the life of the rule. It is anticipated that the total aggregate cost per year will recur each year for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 193—Interior Design Council
Chapter 3—Registration, Licenses and Renewal**

PROPOSED RULE

4 CSR 193-3.010 Original Registration—Form and Content

PURPOSE: This rule describes the form and content of the license issued.

(1) After verification by the council that an applicant has complied with the requirements for registration as a commercial interior designer and has paid the required fee, the council shall issue to each licensee a license in a form as shall be prescribed by the division. The license shall show the name of the licensee and the license number assigned by the division. Each license shall have imprinted on it the state seal and, in addition, shall contain other matters as shall be prescribed by the council/division.

(2) License documents, application and renewal materials and pocket cards shall remain the property of the state and upon any suspension, revocation or denial of a license, the individual holding the related license documents and pocket card shall return them to the council within ten (10) days of notification by the council.

AUTHORITY: sections 324.409 and 324.412, RSMo Supp. 1999. Original rule filed Feb. 25, 2000.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Interior Design Council, Judith Kolb, Executive Director, P.O. Box 1335, Jefferson City, MO 65102-1335. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 193—Interior Design Council
Chapter 3—Registration, Licenses and Renewal**

PROPOSED RULE

4 CSR 193-3.020 Renewal

PURPOSE: This rule is to prescribe the regulations necessary to administer the renewal procedures of 324.418, RSMo.

(1) The certificate renewal date for registered commercial interior designers shall be August 31 of each even-numbered year.

(2) A licensee shall submit to the council on or before the certificate renewal date the following:

- (A) An application for renewal on a form furnished to the applicant by the division;
- (B) The required fee;
- (C) Proof of current completion of continuing education in commercial interior design or architecture as required by section 324.418.2, RSMo, and 4 CSR 193-5.010.

(3) Any licensee who fails to complete continuing education requirements will not be eligible for license renewal.

(4) The certificate of registration of a registered commercial interior designer, which is not renewed within three (3) months after the renewal date, shall be suspended automatically.

(5) The licensee has the right to reinstate the suspended certificate of registration within nine (9) months of the date of suspension. In order to reinstate the suspended registration, the licensee must submit the required reinstatement fee, as well as the other items set forth in section (2) of this rule.

(6) An application for renewal or reinstatement, if accompanied by all items required hereunder, shall be deemed submitted as of the date received by the council or the date postmarked by the United States Postal Service, whichever is earlier.

(7) Any certificate of registration suspended and not reinstated within nine (9) months of the suspension date shall expire and be void. Such individuals shall be required to reapply for licensure under section 324.415, RSMo, and Chapter 2 of these rules. Any person whose certificate of registration has expired may, upon demonstration of current qualifications and payment of required fees, be reregistered or reauthorized under the person's original certificate of registration number.

(8) The council should mail to each licensee, at least sixty (60) days prior to the certificate renewal date, a notice of the expiration and an application for renewal of the license to the licensee at the licensee's address on file with the council. Failure of the council to mail, or the licensee to receive the notice and application for renewal shall not excuse the licensee from the requirements for renewal required by law or these rules.

AUTHORITY: sections 324.412 and 324.418, RSMo Supp. 1999. Original rule filed Feb. 25, 2000.

PUBLIC COST: This proposed rule is estimated to cost the Interior Design Council \$7,794 biennially for the life of the rule. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.

PRIVATE COST: This proposed rule will cost private entities an estimated \$135,674.90 for the first year of implementation of the rule. Thereafter, the board is anticipating an increase in the number of licensees by one hundred (100) per biennial renewal based on the assumptions detailed in 4 CSR 193-2.010 and 4 CSR 193-2.040. Therefore, the board estimates that the private entity cost to comply with this rule will be \$135,674.90 biennially with a continuous biennial increase of \$13,516.50 for the life of the rule. It is anticipated that the total cost will recur biennially for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Interior Design Council, Judith Kolb, Executive Director, P.O. Box 1335, Jefferson City, MO 65102-1335. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Division of Professional Registration
FISCAL NOTE
PUBLIC ENTITY COST

I. RULE NUMBER

Title: 4 – Department of Economic Development

Division: 193 – Interior Design Council

Chapter: 3 – Registration, Licenses and Renewal

Type of Rulemaking: Proposed Rule

Rule Number and Name: 4 CSR 193-3.020 Renewal

Prepared December 27, 1999 by the Interior Design Council of the Department of Economic Development.

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Biennial Cost of Compliance for the Life of the Rule
Interior Design Council	\$7,794.00

III. WORKSHEET

The costs for this rule are detailed in the table below and are based on the following assumptions:

- 1) Personal service costs are incurred for staff time to handle inquiries, correspondence, process renewal applications and supporting documentation, prepare meeting agendas, and to implement council/division directives.
- 2) Expense and equipment costs are incurred for meeting preparation and council expenses incurred for issuing and mailing renewal licenses for interior designers;
- 3) Transfers are costs incurred for council and staff support provided by the Division of Professional Registration (also includes data processing, cash receiving room and MIS) and costs incurred for services provided by agencies such as the Office of the Attorney General, Secretary of State and State Auditor.

Table 1 – Estimated Cost of Compliance by Category of Allocation

Category of Allocation	Licensure – 20%	Enforcement – 3%
Personal Service	\$2,487.00	\$249.00
Expense & Equipment	\$1,858.00	\$186.00
Transfers	\$2,740.00	\$274.00
TOTAL	\$7,085.00	\$709.00

IV. ASSUMPTIONS

In developing this fiscal note, the total public entity costs of the Interior Design Council were determined by using allotment figures for personal service, expense and equipment, and transfers

based on actual costs incurred for a board of similar size. These costs will recur biennially for the life of the rule; may vary with inflation; and are expected to increase biennially at the rate projected by the Legislative Oversight Committee.

For the purpose of calculating the fiscal impact of the administrative rules, two major categories of council activity were identified: licensure and enforcement. The council estimates 60% of personal service, expense & equipment and transfer costs will be dedicated to the licensure effort and an estimated 40% of personal service, expense & equipment and transfer costs will be dedicated to the enforcement effort. Transfer costs include rent and utilities. (See Table 2, 3 & 4)

Table 2— Allocation of Personal Service Dollars

Allotment	Percentage & Category	Dollar Amount
\$20,725.00	60% - Licensure	\$12,435.00
\$20,725.00	40% - Enforcement	\$8,290.00

Table 3— Allocation of Expense & Equipment Dollars

Allotment	Percentage & Category	Dollar Amount
\$15,486.00	60% - Licensure	\$9,292.00
\$15,486.00	40% - Enforcement	\$6,194.00

Table 4— Allocation of Transfer Dollars

Allotment	Percentage & Category	Dollar Amount
\$22,835.00	60% - Licensure	\$13,701.00
\$22,835.00	40% - Enforcement	\$9,134.00

In allocating costs, this proposed rule was reviewed to determine if the rule contained attributes of licensure and/or enforcement. It is estimated that 20% of the total time involving the administration of the proposed rule will be spent on licensure efforts and 3% of the time will be spent on enforcement efforts. These percentages have been applied to personal service, expense & equipment and transfer dollars. (See Table 1)

**FISCAL NOTE
PRIVATE ENTITY COST**

I. RULE NUMBER

Title: 4 – Department of Economic Development

Division: 193 - Division of Professional Registration - Interior Design Council

Chapter: 3 – Registration, Licenses and Renewal

Type of Rulemaking: Proposed Rule

Rule Number and Name: 4 CSR 193-3.020 Renewal

Prepared December 27, 1999 by the Interior Design Council of the Department of Economic Development

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimated cost of compliance with the rule by the affected entities:
570	Individuals (renewal fee)	\$132,500.00
40	Individuals (reinstatement fee)	\$3,000.00
570	Individuals (postage)	\$174.90
Estimated Cost of Compliance for the First Year of Implementation of the Rule		\$135,674.90

Estimated Annual Cost of Compliance for the Life of the Rule

\$135,674.90 biennially with a continuous biennial increase of \$13,516.50

III. WORKSHEET

Renewal fee @ \$250.00

Reinstatement fee @ \$75.00 biennially per person

Postage @ \$.33

IV. ASSUMPTIONS

1. The board anticipates five hundred seventy (570) individuals will apply for renewal during the first biennial renewal period based on the assumptions detailed in 4 CSR 193-2.010 and 4 CSR 193-2.040. The board estimates this registration process will cost each applicant approximately \$270.33 each renewal period.
2. The Council anticipates that 40 individuals will reinstate their license after the renewal date but within nine (9) months of the date of suspension.
3. The private entity cost for this proposed rule is estimated to be \$135,674.90 for the first year of implementation of the rule. Thereafter, the board is anticipating an increase in the number of licensees by one hundred (100) per biennial renewal based on the assumptions detailed in 4 CSR 193-2.010 and 4 CSR 193-2.040. Therefore, the board estimates that the private entity cost to comply with this rule will be \$135,674.90 biennially with a continuous biennial increase of \$13,516.50 for the life of the rule. It is anticipated that the total cost will recur biennially for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 193—Interior Design Council
Chapter 4—Fees**

PROPOSED RULE

4 CSR 193-4.010 Fees

PURPOSE: This rule establishes and fixes the various fees and charges for the Interior Design Council.

- (1) All fees shall be paid by cashier's check, money order, personal check, or other method approved by the division and must be made payable to the Interior Design Council.
- (2) No fee will be refunded should any license be surrendered, suspended or revoked during the term for which the license is issued.
- (3) The fees are established as follows:

(A) Application Fee	\$75.00
(B) Initial Registration Fee	\$250.00
(C) Reciprocity Fee	\$250.00
(D) Biennial Renewal Fee	\$250.00
(E) Reinstatement Fee	\$ 75.00
- (4) The council may prorate the initial registration fee in order to put all licensees on a biennial renewal.
- (5) The following miscellaneous fees for certain services rendered by the Interior Design Council are established as follows:

(A) Duplicate License Fee	\$10.00
(B) Replacement Wall-Hanging Certificate Fee	\$15.00
- (6) Payment of any copying fee and search may be required before any information will be provided.
- (7) All fees are nonrefundable.

AUTHORITY: sections 324.409, 324.412, 324.415, 324.418, 324.421 and 324.424, RSMo Supp. 1999. Original rule filed Feb. 25, 2000.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than \$500 in the aggregate. The costs associated with the fees set by this rule are accounted for in the fiscal notes of the rules requiring payment.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Interior Design Council, Judith Kolb, Executive Director, P.O. Box 1335, Jefferson City, MO 65102-1335. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 193—Interior Design Council
Chapter 5—Continuing Education**

PROPOSED RULE

4 CSR 193-5.010 Requirements

PURPOSE: This rule details the continuing education that will be required for renewal of a license to practice as a commercial interior designer.

(1) Approved or verifiable continuing education in commercial interior design shall be courses approved by the Interior Design Continuing Education Council (IDCEC) or by the Interior Design Council.

(2) Approved or verifiable continuing education in architecture shall be courses as approved by the American Institute of Architects (AIA).

(3) A licensee shall provide verification of completion of continuing education during the prior license period by affidavit on a form provided by the council at the time of renewal. The affidavit must contain a truthful statement of courses approved by the council and taken by the licensee. Licensees shall maintain their evidence of course participation or course completion certificates/transcripts for a period of five (5) years from the date the licensee's application for renewal and affidavit of continuing education was submitted to the council. Such evidence must be submitted upon request by the council.

(4) Hours obtained in excess of the requirement for continuing education shall not be carried forward to satisfy the requirements for any subsequent renewal period.

(5) Hours obtained after the certificate renewal date in order to complete the continuing education requirement for the prior renewal period may not be applied to the license period within which they were obtained.

AUTHORITY: sections 324.412 and 324.418, RSMo Supp. 1999. Original rule filed Feb. 25, 2000.

PUBLIC COST: This proposed rule is estimated to cost the Interior Design Council \$2,362 biennially for the life of the rule. It is anticipated that the total cost will recur biennially for the life of the rule, may vary with inflation and is expected to increase biennially at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.

PRIVATE COST: This proposed rule will cost private entities an estimated \$75,165 biennially for the life of the rule. It is anticipated that the total cost will recur biennially for the life of the rule, may vary with inflation and is expected to increase biennially at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Interior Design Council, Judith Kolb, Executive Director, P.O. Box 1335, Jefferson City, MO 65102-1335. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Division of Professional Registration
FISCAL NOTE
PUBLIC ENTITY COST

I. RULE NUMBER

Title: 4 – Department of Economic Development

Division: 193 – Interior Design Council

Chapter: 5 – Continuing Education

Type of Rulemaking: Proposed Rule

Rule Number and Name: 4 CSR 193-5.010 Requirements

Prepared December 27, 1999 by the Interior Design Council of the Department of Economic Development.

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Biennial Cost of Compliance for the Life of the Rule
Interior Design Council	\$2,362.00

III. WORKSHEET

The costs for this rule are detailed in the table below and are based on the following assumptions:

- 1) Personal service costs are incurred for staff time to handle inquiries and correspondence.
- 2) Expense and equipment costs are incurred for meeting preparation and council expenses incurred in maintaining continuing education documentation;
- 3) Transfers are costs incurred for council and staff support provided by the Division of Professional Registration (also includes data processing, cash receiving room and MIS) and costs incurred for services provided by agencies such as the Office of the Attorney General, Secretary of State and State Auditor.

Table 1 – Estimated Cost of Compliance by Category of Allocation

Category of Allocation	Licensure – 6%	Enforcement – 1%
Personal Service	\$746.00	\$83.00
Expense & Equipment	\$558.00	\$62.00
Transfers	\$822.00	\$91.00
TOTAL	\$2,126.00	\$236.00

IV. ASSUMPTIONS

In developing this fiscal note, the total public entity costs of the Interior Design Council were determined by using allotment figures for personal service, expense and equipment, and transfers based on actual costs incurred for a board of similar size. These costs will recur biennially for the

life of the rule; may vary with inflation; and are expected to increase biennially at the rate projected by the Legislative Oversight Committee.

For the purpose of calculating the fiscal impact of the administrative rules, two major categories of council activity were identified: licensure and enforcement. The council estimates 60% of personal service, expense & equipment and transfer costs will be dedicated to the licensure effort and an estimated 40% of personal service, expense & equipment and transfer costs will be dedicated to the enforcement effort. Transfer costs include rent and utilities. (See Table 2, 3 & 4)

Table 2– Allocation of Personal Service Dollars

Allotment	Percentage & Category	Dollar Amount
\$20,725.00	60% - Licensure	\$12,435.00
\$20,725.00	40% - Enforcement	\$8,290.00

Table 3– Allocation of Expense & Equipment Dollars

Allotment	Percentage & Category	Dollar Amount
\$15,486.00	60% - Licensure	\$9,292.00
\$15,486.00	40% - Enforcement	\$6,194.00

Table 4– Allocation of Transfer Dollars

Allotment	Percentage & Category	Dollar Amount
\$22,835.00	60% - Licensure	\$13,701.00
\$22,835.00	40% - Enforcement	\$9,134.00

In allocating costs, this proposed rule was reviewed to determine if the rule contained attributes of licensure and/or enforcement. It is estimated that 6% of the total time involving the administration of the proposed rule will be spent on licensure efforts and 1% of the time will spent on enforcement efforts. These percentages have been applied to personal service, expense & equipment and transfer dollars. (See Table 1)

**FISCAL NOTE
PRIVATE ENTITY COST**

I. RULE NUMBER

Title: 4 – Department of Economic Development

Division: 193 - Division of Professional Registration – Interior Design Council

Chapter: 5 – Continuing Education

Type of Rulemaking: Proposed Rule

Rule Number and Name: 4 CSR 193-5.010 Requirements

Prepared December 27, 1999 by the Interior Design Council of the Department of Economic Development

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimated cost of compliance with the rule by the affected entities:
500	Individuals (continuing education)	\$75,000.00
500	Individuals (postage)	\$165.00
Estimated Biennial Cost of Compliance for the Rule's Life		\$75,165.00

III. WORKSHEET

Continuing Education @ \$15.00 per hour every two years/\$150.00 per licensee
Postage @ \$.33

IV. ASSUMPTIONS

1. It is not possible to estimate all costs that a licensee could incur in obtaining the required continuing education.
2. The private entity cost for this proposed rule is estimated to be \$75,165.00 biennially for the life of the rule. It is anticipated that the total cost will recur biennially for the life of the rule, may vary with inflation and is expected to increase biennially at the rate projected by the Legislative Oversight Committee.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 193—Interior Design Council
Chapter 6—Complaint Handling and Disposition**

PROPOSED RULE

4 CSR 193-6.010 Public Complaint Handling and Disposition Procedure

PURPOSE: This rule establishes a procedure for the receipt, handling and disposition of public complaints pursuant to the mandate of section 620.010.15(6), RSMo.

(1) The Division of Professional Registration/Interior Design Council will receive and process each complaint made against any licensee, applicant or unlicensed individual or entity, when the complaint alleges certain acts or practices that may constitute one (1) or more violations of the provisions of sections 324.240 through 324.439, RSMo. Any member of the public or the profession, or any federal, state or local official, may make and file a complaint with the Interior Design Council. Complaints will be received from sources both within and without Missouri and processed in the same manner as those originating within Missouri. No member of the Interior Design Council may file a complaint with the council while serving in that capacity, unless that member is excused from further deliberation or activity concerning the matters alleged within that complaint. The executive director or any division staff member may file a complaint pursuant to this rule in the same manner as any member of the public.

(2) All complaints shall be made in writing on a form approved by the division and shall fully identify the complainant by name and address. Complaints may be based upon personal knowledge or beliefs based on information received from other sources. Oral or telephone communications will not be considered or processed as complaints. The person making these communications will be asked to file a written statement.

(3) Complaints shall be mailed or delivered to the following address: The Division of Professional Registration or the Interior Design Council, P.O. Box 1335, 3605 Missouri Boulevard, Jefferson City, MO 65102.

(4) Each complaint received under this rule pursuant to sections 324.400 through 324.439, RSMo will be maintained by the division. The complaint file will contain a record of each complainant's name and address of the subject(s) of the complaint; the date each complaint is received by the division; a brief statement of the complaint, including the name of any person injured or victimized by the alleged acts or practices; and the ultimate disposition of the complaint. This complaint file shall be a closed record of the division.

(5) Each complaint received under this rule shall be acknowledged in writing to the complainant. The complainant shall be notified of the ultimate disposition of the complaint.

(6) This rule shall not be deemed to limit the council's authority to file a complaint with the Administrative Hearing Commission charging a licensee with any actionable conduct or violation. The complaint filed by the council need not be limited to the acts charged in a public complaint.

(7) The division/council interprets this rule, which is required by law, to exist for the benefit of those members of the public who submit complaints to the division/council. This rule does not create any cause of action for licensees against those whom the divi-

sion has instituted or may institute administrative or judicial proceedings concerning possible violations of the provisions of sections 324.240–324.439, RSMo.

AUTHORITY: sections 324.412, 324.436 and 620.010.15(6), RSMo Supp. 1999. Original rule filed Feb. 25, 2000.

PUBLIC COST: This proposed rule is estimated to cost the Interior Design Council \$10,392 annually for the life of the rule. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.

PRIVATE COST: The proposed rule will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Interior Design Council, Judith Kolb, Executive Director, P.O. Box 1335, Jefferson City, MO 65102-1335. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

Division of Professional Registration
FISCAL NOTE
PUBLIC ENTITY COST

I. RULE NUMBER

Title: 4 – Department of Economic Development

Division: 193 – Interior Design Council

Chapter: 6 – Complaint Handling and Disposition

Type of Rulemaking: Proposed Rule

Rule Number and Name: 4 CSR 193-6.010 Public Complaint Handling & Disposition Procedures

Prepared December 27, 1999 by the Interior Design Council of the Department of Economic Development.

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Annual Cost of Compliance for the Life of the Rule
Interior Design Council	\$10,392.00

III. WORKSHEET

The costs for this rule are detailed in the table below and are based on the following assumptions:

- 1) Personal service costs are incurred for staff time to handle inquiries, correspondence, process complaints, prepare meeting agendas, attend meetings of the council and to implement council/division directives.
- 2) Expense and equipment costs are incurred for meeting preparation and council expenses in monitoring complaints and conducting investigations;
- 3) Transfers are costs incurred for council and staff support provided by the Division of Professional Registration (also includes data processing, conducting investigations, cash receiving room and MIS) and costs incurred for services provided by agencies such as the Office of the Attorney General, Secretary of State and State Auditor.

Table 1 – Estimated Cost of Compliance by Category of Allocation

Category of Allocation	Licensure – 0%	Enforcement – 44%
Personal Service		\$3,648.00
Expense & Equipment		\$2,725.00
Transfers		\$4,019.00
TOTAL		\$10,392.00

IV. ASSUMPTIONS

In developing this fiscal note, the total public entity costs of the Interior Design Council were determined by using allotment figures for personal service, expense and equipment, and transfers based on actual costs incurred for a board of similar size. These annual costs will recur each year for the life of the rule; may vary with inflation; and are expected to increase annually at the rate projected by the Legislative Oversight Committee.

For the purpose of calculating the fiscal impact of the administrative rules, two major categories of council activity were identified: licensure and enforcement. The council estimates 60% of personal service, expense & equipment and transfer costs will be dedicated to the licensure effort and an estimated 40% of personal service, expense & equipment and transfer costs will be dedicated to the enforcement effort. Transfer costs include rent and utilities. (See Table 2, 3 & 4)

Table 2– Allocation of Personal Service Dollars

Allotment	Percentage & Category	Dollar Amount
\$20,725.00	60% - Licensure	\$12,435.00
\$20,725.00	40% - Enforcement	\$8,290.00

Table 3– Allocation of Expense & Equipment Dollars

Allotment	Percentage & Category	Dollar Amount
\$15,486.00	60% - Licensure	\$9,292.00
\$15,486.00	40% - Enforcement	\$6,194.00

Table 4– Allocation of Transfer Dollars

Allotment	Percentage & Category	Dollar Amount
\$22,835.00	60% - Licensure	\$13,701.00
\$22,835.00	40% - Enforcement	\$9,134.00

In allocating costs, this proposed rule was reviewed to determine if the rule contained attributes of licensure and/or enforcement. It is estimated that 0% of the total time involving the administration of the proposed rule will be spent on licensure efforts and 44% of the time will spent on enforcement efforts. These percentages have been applied to personal service, expense & equipment and transfer dollars. (See Table 1)

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 193—Interior Design Council
Chapter 6—Complaint Handling and Disposition**

PROPOSED RULE

4 CSR 193-6.020 Investigation

PURPOSE: This rule outlines the procedures in conducting an investigation.

(1) Upon receipt of a complaint in proper form, the division/council may investigate the actions of the licensee or applicant against whom the complaint is made. In conducting an investigation, the division/council, in its discretion, may request the licensee or applicant under investigation to answer the charges made against him/her in writing and to produce relevant documentary evidence and may request him/her to appear before it.

AUTHORITY: sections 324.412 and 324.436, RSMo Supp. 1999. Original rule filed Feb. 25, 2000.

PUBLIC COST: This proposed rule is estimated to cost the Interior Design Council \$7,085 annually for the life of the rule. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the Secretary of State.

PRIVATE COST: This proposed rule will not cost private entities more than \$500 in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Interior Design Council, Judith Kolb, Executive Director, P.O. Box 1335, Jefferson City, MO 65102-1335. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**Division of Professional Registration
FISCAL NOTE
PUBLIC ENTITY COST**

I. RULE NUMBER**Title:** 4 – Department of Economic Development**Division:** 193 – Interior Design Council**Chapter:** 6 – Complaint Handling and Disposition**Type of Rulemaking:** Proposed Rule**Rule Number and Name:** 4 CSR 193-6.020 Investigation

Prepared December 27, 1999 by the Interior Design Council of the Department of Economic Development.

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Annual Cost of Compliance for the Life of the Rule
Interior Design Council	\$7,085.00

III. WORKSHEET

The costs for this rule are detailed in the table below and are based on the following assumptions:

- 1) Personal service costs are incurred for staff time to handle inquiries, correspondence, process complaints and investigative reports, prepare meeting agendas, attend meetings of the council and to implement council/division directives.
- 2) Expense and equipment costs are incurred for meeting preparation and council expenses incurred in monitoring complaints and conducting investigations;
- 3) Transfers are costs incurred for council and staff support provided by the Division of Professional Registration (also includes data processing, conducting investigations, cash receiving room and MIS) and costs incurred for services provided by agencies such as the Office of the Attorney General, Secretary of State and State Auditor.

Table 1 – Estimated Cost of Compliance by Category of Allocation

Category of Allocation	Licensure – 0%	Enforcement – 30%
Personal Service		\$2,487.00
Expense & Equipment		\$1,858.00
Transfers		\$2,740.00
TOTAL		\$7,085.00

IV. ASSUMPTIONS

In developing this fiscal note, the total public entity costs of the Interior Design Council were determined by using allotment figures for personal service, expense and equipment, and transfers

based on actual costs incurred for a board of similar size. These annual costs will recur each year for the life of the rule; may vary with inflation; and are expected to increase annually at the rate projected by the Legislative Oversight Committee.

For the purpose of calculating the fiscal impact of the administrative rules, two major categories of council activity were identified: licensure and enforcement. The council estimates 60% of personal service, expense & equipment and transfer costs will be dedicated to the licensure effort and an estimated 40% of personal service, expense & equipment and transfer costs will be dedicated to the enforcement effort. Transfer costs include rent and utilities. (See Table 2, 3 & 4)

Table 2— Allocation of Personal Service Dollars

Allotment	Percentage & Category	Dollar Amount
\$20,725.00	60% - Licensure	\$12,435.00
\$20,725.00	40% - Enforcement	\$8,290.00

Table 3— Allocation of Expense & Equipment Dollars

Allotment	Percentage & Category	Dollar Amount
\$15,486.00	60% - Licensure	\$9,292.00
\$15,486.00	40% - Enforcement	\$6,194.00

Table 4— Allocation of Transfer Dollars

Allotment	Percentage & Category	Dollar Amount
\$22,835.00	60% - Licensure	\$13,701.00
\$22,835.00	40% - Enforcement	\$9,134.00

In allocating costs, this proposed rule was reviewed to determine if the rule contained attributes of licensure and/or enforcement. It is estimated that 0% of the total time involving the administration of the proposed rule will be spent on licensure efforts and 30% of the time will spent on enforcement efforts. These percentages have been applied to personal service, expense & equipment and transfer dollars. (See Table 1)

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 193—Interior Design Council
Chapter 6—Complaint Handling and Disposition**

PROPOSED RULE

4 CSR 193-6.030 Discipline

PURPOSE: This rule establishes procedures for the discipline of a licensee.

(1) Upon final ruling by the Administrative Hearing Commission that the acts of a licensee constitute a violation of the licensure law or these rules, the council shall hold a hearing to determine the form of discipline to be imposed on the licensee, unless the licensee and the council can agree on the type of discipline.

(2) The council may require a licensee who has been disciplined to meet and perform certain conditions before reinstating an unrestricted license to the person.

AUTHORITY: sections 324.412 and 324.436, RSMo Supp. 1999. Original rule filed Feb. 25, 2000.

PUBLIC COST: This proposed rule is estimated to cost the Interior Design Council \$2,125 annually for the life of the rule. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.

PRIVATE COST: This proposed rule will not cost private entities more than \$500 in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Interior Design Council, Judith Kolb, Executive Director, P.O. Box 1335, Jefferson City, MO 65102-1335. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Division of Professional Registration
FISCAL NOTE
PUBLIC ENTITY COST

I. RULE NUMBER

Title: 4 – Department of Economic Development

Division: 193 – Interior Design Council

Chapter: 6 – Complaint Handling and Disposition

Type of Rulemaking: Proposed Rule

Rule Number and Name: 4 CSR 193-6.030 Discipline

Prepared December 27, 1999 by the Interior Design Council of the Department of Economic Development.

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Annual Cost of Compliance for the Life of the Rule
Interior Design Council	\$2,125.00

III. WORKSHEET

The costs for this rule are detailed in the table below and are based on the following assumptions:

- 1) Personal service costs are incurred for staff time to handle inquiries, correspondence, , prepare meeting agendas, attend meetings of the council and to implement council/division directives.
- 2) Expense and equipment costs are incurred for meeting preparation and council expenses incurred in monitoring discipline licensees;
- 3) Transfers are costs incurred for council and staff support provided by the Division of Professional Registration (also includes data processing, cash receiving room and MIS) and costs incurred for services provided by agencies such as the Office of the Attorney General, Secretary of State and State Auditor.

Table 1 – Estimated Cost of Compliance by Category of Allocation

Category of Allocation	Licensure – 0%	Enforcement – 9%
Personal Service		\$746.00
Expense & Equipment		\$557.00
Transfers		\$822.00
TOTAL		\$2,125.00

IV. ASSUMPTIONS

In developing this fiscal note, the total public entity costs of the Interior Design Council were determined by using allotment figures for personal service, expense and equipment, and transfers

based on actual costs incurred for a board of similar size. These annual costs will recur each year for the life of the rule; may vary with inflation; and are expected to increase annually at the rate projected by the Legislative Oversight Committee.

For the purpose of calculating the fiscal impact of the administrative rules, two major categories of council activity were identified: licensure and enforcement. The council estimates 60% of personal service, expense & equipment and transfer costs will be dedicated to the licensure effort and an estimated 40% of personal service, expense & equipment and transfer costs will be dedicated to the enforcement effort. Transfer costs include rent and utilities. (See Table 2, 3 & 4)

Table 2– Allocation of Personal Service Dollars

Allotment	Percentage & Category	Dollar Amount
\$20,725.00	60% - Licensure	\$12,435.00
\$20,725.00	40% - Enforcement	\$8,290.00

Table 3– Allocation of Expense & Equipment Dollars

Allotment	Percentage & Category	Dollar Amount
\$15,486.00	60% - Licensure	\$9,292.00
\$15,486.00	40% - Enforcement	\$6,194.00

Table 4– Allocation of Transfer Dollars

Allotment	Percentage & Category	Dollar Amount
\$22,835.00	60% - Licensure	\$13,701.00
\$22,835.00	40% - Enforcement	\$9,134.00

In allocating costs, this proposed rule was reviewed to determine if the rule contained attributes of licensure and/or enforcement. It is estimated that 0% of the total time involving the administration of the proposed rule will be spent on licensure efforts and 9% of the time will spent on enforcement efforts. These percentages have been applied to personal service, expense & equipment and transfer dollars. (See Table 1)

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 197—Board of Therapeutic Massage
Chapter 1—General Rules**

PROPOSED RULE

4 CSR 197-1.010 Definitions

PURPOSE: This rule defines terms used in 4 CSR 197.

(1) "Client" is defined as one who utilizes the professional services of a licensed massage therapist whether or not any remuneration is expected by the massage therapist. Client does not include the licensed massage therapist's immediate family members or significant other.

(2) "Clock hours" is defined as a minimum of fifty (50) minutes of instruction within a sixty (60)-minute period.

(3) "Direct supervision" is defined as the control, direction, instruction and regulation of a student at all times.

(4) "Universal precautions" is an approach to infection control as defined by the Center for Disease Control (CDC). According to the concept of universal precautions, all human blood and certain body fluids are treated as if known to be infectious for human immunodeficiency virus (HIV), hepatitis B virus (HBV), and other blood borne pathogens.

AUTHORITY: sections 324.245, 324.257 and 324.265, RSMo Supp. 1999. Original rule filed Feb. 25, 2000.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than \$500 in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Board of Therapeutic Massage, Donna Steinmetz, Executive Director, P.O. Box 1335, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. A public hearing on this proposed rule is scheduled for May 10, 2000 from 1:00–5:00 p.m. in Room 492 of the Harry S Truman State Office Building, 301 West High Street, Jefferson City, Missouri.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 197—Board of Therapeutic Massage
Chapter 1—General Rules**

PROPOSED RULE

4 CSR 197-1.020 Titling

PURPOSE: This rule specifies the title that may be used by an individual licensed by the board as a massage therapist.

(1) Any person who represents himself/herself as a massage therapist in this state and is licensed by the board may use the abbreviation LMT (licensed massage therapist).

AUTHORITY: sections 324.240, 324.245 and 324.270, RSMo Supp. 1999. Original rule filed Feb. 25, 2000.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than \$500 in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Board of Therapeutic Massage, Donna Steinmetz, Executive Director, P.O. Box 1335, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. A public hearing on this proposed rule is scheduled for May 10, 2000 from 1:00–5:00 p.m. in Room 492 of the Harry S Truman State Office Building, 301 West High Street, Jefferson City, Missouri.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 197—Board of Therapeutic Massage
Chapter 1—General Rules**

PROPOSED RULE

4 CSR 197-1.030 Name and Address Changes

PURPOSE: This rule outlines procedures to be followed for name, address and telephone number changes.

(1) All individuals licensed pursuant to this chapter shall ensure that the license bears the current legal name of that individual.

(2) A licensee whose name has changed shall promptly:

(A) Notify the board in writing of the change and provide a copy of the appropriate document indicating the change;

(B) Request from the board a new license bearing the individual's new legal name; and

(C) Return the current license bearing the former name.

(3) A licensee may request a replacement wall-hanging certificate by paying the wall-hanging replacement fee.

(4) A licensee whose address has changed from that printed on the license must inform the board, in writing, within thirty (30) days of the effective date of the change.

(5) Changes in telephone numbers should also be reported in the same manner as that described for changes in address.

AUTHORITY: sections 324.245 and 324.250, RSMo Supp. 1999. Original rule filed Feb. 25, 2000.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions an estimated \$7,479 annually for the life of the rule. It is anticipated that the cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.

PRIVATE COST: This proposed rule will cost private entities an estimated \$9,198 annually for the life of the rule. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Board of Therapeutic Massage, Donna Steinmetz, Executive Director, P.O. Box 1335, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register**. A public hearing on this proposed rule is scheduled for May 10, 2000 from 1:00–5:00 p.m. in Room 492 of the Harry S Truman State Office Building, 301 West High Street, Jefferson City, Missouri.*

Division of Professional Registration
FISCAL NOTE
PUBLIC ENTITY COST

I. RULE NUMBER

Title: 4 – Department of Economic Development

Division: 197-Board of Therapeutic Massage

Chapter: 1 – General Rules

Type of Rulemaking: Proposed Rule

Rule Number and Name: 4 CSR 197-1.030 Name and Address Changes

Prepared December 27, 1999 by the Board of Therapeutic Massage of the Department of Economic Development.

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Board of Therapeutic Massage	\$7,479.00

III. WORKSHEET

The costs for this rule are detailed in the table below and are based on the following assumptions:

- 1) Personal service costs are incurred for staff time to handle inquiries and process request for name and address changes and supporting documentation;
- 2) Expense and equipment costs are incurred for board expenses incurred for issuing and mailing duplicate licenses;
- 3) Transfers are costs incurred for board and staff support provided by the Division of Professional Registration (also includes data processing, cash receiving room and MIS) and costs incurred for services provided by agencies such as the Office of the Attorney General, Secretary of State and State Auditor.

Table 1 – Estimated Cost of Compliance by Category of Allocation

Category of Allocation	Licensure – 5%	Enforcement – 1%
Personal Service	\$1,858.00	\$248.00
Expense & Equipment	\$429.00	\$57.00
Transfers	\$4,311.00	\$576.00
TOTAL	\$6,598.00	\$881.00

IV. ASSUMPTIONS

In developing this fiscal note, the total public entity costs of the Board of Therapeutic Massage were determined by using allotment figures for personal service, expense and equipment, and transfers based on actual costs incurred for a board of similar size. These annual costs will recur

each year for the life of the rule; may vary with inflation; and are expected to increase annually at the rate projected by the Legislative Oversight Committee.

For the purpose of calculating the fiscal impact of the administrative rules, two major categories of board activity were identified: licensure and enforcement. The board estimates 60% of personal service, expense & equipment and transfer costs will be dedicated to the licensure effort and an estimated 40% of personal service, expense & equipment and transfer costs will be dedicated to the enforcement effort. Transfer costs also include rent and utilities. (See Table 2, 3 & 4)

Table 2— Allocation of Personal Service Dollars

Allotment	Percentage & Category	Dollar Amount
\$61,934.00	60% - Licensure	\$37,160.00
\$61,934.00	40% - Enforcement	\$24,774.00

Table 3— Allocation of Expense & Equipment Dollars

Allotment	Percentage & Category	Dollar Amount
\$14,298.00	60% - Licensure	\$8,579.00
\$14,298.00	40% - Enforcement	\$5,719.00

Table 4— Allocation of Transfer Dollars

Allotment	Percentage & Category	Dollar Amount
\$143,711.00	60% - Licensure	\$86,227.00
\$143,711.00	40% - Enforcement	\$57,484.00

In allocating costs, this proposed rule was reviewed to determine if the rule contained attributes of licensure and/or enforcement. It is estimated that 5% of the total time involving the administration of the proposed rule will be spent on licensure efforts and 1% of the time will be spent on enforcement efforts. These percentages have been applied to personal service, expense & equipment and transfer dollars. (See Table 1)

**FISCAL NOTE
PRIVATE ENTITY COST**

I. RULE NUMBER

Title: 4 – Department of Economic Development

Division: 197 - Division of Professional Registration - Board of Therapeutic Massage

Chapter: 2 – Massage Therapy Licensure Requirements

Type of Rulemaking: Proposed Rule

Rule Number and Name: 4 CSR 197-1.030 Name and Address Changes

Prepared December 27, 1999 by the Board of Therapeutic Massage of the Department of Economic Development

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimated cost of compliance with the rule by the affected entities:
600	Individuals (notification of change)	\$198.00
600	Individuals (replacement wall hanging fee)	\$9,000.00
Estimated Annual Cost of Compliance for the Life of the Rule		\$9,198.00

III. WORKSHEET

Postage @ \$.33

Replacement wall hanging fee @ \$15.00

IV. ASSUMPTIONS

1. The board anticipates that twenty percent (20%) of the board's licensees will request a replacement wall-hanging certificate annually for the life of the rule. The board estimates this application process will cost each applicant approximately \$15.33.
2. The private entity cost for this proposed rule is estimated to be \$9,198.00 annually for the life of the rule. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 197—Board of Therapeutic Massage
Chapter 1—General Rules**

PROPOSED RULE

4 CSR 197-1.040 Fees

PURPOSE: This rule establishes and fixes the various fees and charges for the Board of Therapeutic Massage.

(1) All fees shall be paid by cashier's check, personal check, money order, or other method approved by the division and must be made payable to the Board of Therapeutic Massage.

(2) No fee will be refunded should any license be surrendered, suspended or revoked during the term for which the license is issued.

(3) The fees are established as follows:

(A) Business License Fee	\$50.00
(B) Business License Renewal Fee	\$50.00
(C) Certified Mentor Fee	\$50.00
(D) Computer Printout Fee (per page)	\$.25
(E) Copy Fee (per page)	\$.25
(F) Duplicate License Fee	\$5.00
(G) Endorsement to Another Jurisdiction Fee	\$15.00
(H) Insufficient Funds Check Charge Fee	\$25.00
(I) Massage Therapist Application Fee	\$150.00
(J) Massage Therapist Renewal Fee	\$150.00
(K) Massage Therapist Temporary License Fee	\$150.00
(L) Provisional License Application Fee	\$30.00
(M) Provisional License Extension Fee	\$30.00
(N) Wall-Hanging Fee Replacement	\$15.00
(O) Fingerprinting Fee	\$23.00
(P) Reciprocity Application Fee	\$150.00
(Q) Student License Fee	\$15.00

(4) All fees are nonrefundable.

AUTHORITY: sections 324.245, 324.247, 324.250, 324.252, 324.265 and 324.267, RSMo Supp. 1999. Original rule filed Feb. 25, 2000.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than \$500 in the aggregate. The costs associated with the fees set by this rule are accounted for in the fiscal notes of the rules requiring their payment.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: *Anyone may file a statement in support of or in opposition to this proposed rule with the Board of Therapeutic Massage, Donna Steinmetz, Executive Director, P.O. Box 1335, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. A public hearing on this proposed rule is scheduled for May 10, 2000 from 1:00–5:00 p.m. in Room 492 of the Harry S Truman State Office Building, 301 West High Street, Jefferson City, Missouri.*

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 197—Board of Therapeutic Massage
Chapter 2—Massage Therapist Licensure Requirements**

PROPOSED RULE

4 CSR 197-2.010 Application for Licensure

PURPOSE: This rule outlines the requirements for licensure as a massage therapist including the grandfathering provisions and temporary two (2)-year license.

(1) A person who has completed massage therapy studies consisting of at least five hundred (500) clock hours of supervised instruction in a Coordinating Board of Higher Education (CBHE) certified school or an equivalent approving body for out-state applicants, shall be at least eighteen (18) years of age and shall submit or cause to be submitted:

(A) A completed notarized application and the accompanying application fee;

(B) Two (2) sets of fingerprints and the fingerprinting fee;

(C) An official final transcript showing successful completion of the program to be submitted directly to the board office from the massage therapy program which includes:

1. The applicant's name;

2. Date of enrollment;

3. Date of completion; and

4. Documentation that the massage therapy program consisted of at least five hundred (500) clock hours of supervised instruction which consisted of:

A. Three hundred (300) clock hours dedicated to massage theory and practice techniques provided by an instructor who has practiced professionally for at least two (2) years and who is licensed or meets the qualifications for licensure as a massage therapist in the state of Missouri;

B. One hundred (100) clock hours dedicated to the study of anatomy and physiology provided by an instructor who holds a bachelor's degree or higher in a field related to anatomy and physiology;

C. Fifty (50) clock hours dedicated to business practice, professional ethics, hygiene and massage law in the state of Missouri provided by an instructor who demonstrates documentable experience in a related field; and

D. Fifty (50) clock hours dedicated to ancillary therapies provided by an instructor who demonstrates documentable experience in a related field. The fifty (50) clock hours shall include but not be limited to cardiopulmonary resuscitation (CPR) and first aid which shall be provided by an instructor who holds the respective certification; and

(D) Evidence of passing an examination from one of the following:

1. The National Certification Board of Therapeutic Massage and Bodywork (NCBTMB); or

2. The National Certification Commission for Acupuncture and Oriental Medicine (NCCAOM); or

3. An examination deemed appropriate by the board.

(2) A person who has completed five hundred (500) clock hours in an apprenticeship with a certified mentor and has successfully passed an examination approved by the board shall be at least eighteen (18) years of age and shall submit or cause to be submitted:

(A) A completed notarized application and the accompanying application fee;

(B) Two (2) sets of fingerprints and the fingerprinting fee;

(C) Official evidence of completing five hundred (500) clock hours of massage therapy training in an apprenticeship with a certified mentor which includes:

1. The applicant name;

2. Date of enrollment;

3. Date of completion;

4. Documentation that the mentorship program consisted of at least five hundred (500) clock hours of supervised instruction which consisted of:

A. Three hundred (300) clock hours dedicated to massage theory and practice techniques provided directly by the certified mentor;

B. One hundred (100) clock hours dedicated to the study of anatomy and physiology provided by an instructor who holds a bachelor's degree or higher in a field related to anatomy and physiology;

C. Fifty (50) clock hours dedicated to business practice, professional ethics, hygiene and massage law in the state of Missouri provided by an instructor who demonstrates documentable experience in a related field; and

D. Fifty (50) clock hours dedicated to ancillary therapies provided by an instructor who demonstrates documentable experience in a related field. The fifty (50) clock hours shall include but not be limited to cardiopulmonary resuscitation (CPR) and first aid which shall be provided by an instructor who holds the respective certification; and

(D) Evidence of passing a statistically valid examination from one of the following:

1. NCBTMB; or
2. NCCAOM; or
3. An examination deemed appropriate by the board.

(3) Grandfathering Provisions.

(A) A person who has passed a statistically valid examination on therapeutic massage and bodywork prior to August 28, 1999 and applies for such license prior to December 31, 2000 shall be at least eighteen (18) years of age and shall submit—

1. A completed notarized application and the accompanying application fee;

2. Two (2) sets of fingerprints and the fingerprinting fee; and

3. Evidence of passing a statistically valid examination from one of the following:

- A. NCBTMB; or
- B. NCCAOM.

(B) A person who has been in the practice of massage therapy for at least ten (10) years prior to August 28, 1999 and applies for such license prior to December 31, 2000 shall submit or cause to be submitted:

1. A completed notarized application and the accompanying application fee;

2. Two (2) sets of fingerprints and the fingerprinting fee;

3. Evidence documenting at least ten (10) years of massage therapy practice (minimum of one hundred fifty (150) massage hours per year practiced between August 28, 1984 to August 28, 1999) which shall include but not be limited to a combination of the following:

- A. Income tax forms;
- B. Professional massage therapy association membership(s);
- C. Certificates of continuing education in massage therapy;
- D. Business license(s);
- E. Office rent or lease agreement(s);
- F. Yellow page advertisements with dates;
- G. Printed advertisements with dates;
- H. Professional insurance;
- I. Cancelled checks related to the massage therapy practice which shall include but not be limited to payment for rent, services rendered and/or massage therapy supplies;
- J. Verifiable letter(s) from employer(s);
- K. Verifiable letter(s) of referral for massage therapy services from a licensed healthcare professional;
- L. Verifiable letters of confirmation from clients of massage therapy experience;
- M. Work log or client records consisting of client's name, address and/or telephone number, appointment date, and time period worked on client.

(C) A person who has been in the practice of a massage therapy for at least three (3) years prior to August 28, 1999, has completed at least one hundred (100) clock hours of formal training in massage and applies for such license prior to December 31, 2000

shall be at least eighteen (18) years of age and shall submit or cause to be submitted:

1. A completed notarized application and the accompanying application fee;

2. Two (2) sets of fingerprints and the fingerprinting fee;

3. Evidence documenting at least three (3) years massage therapy practice (minimum of one hundred fifty (150) massage hours per year practiced between August 28, 1994 to August 28, 1999) which shall include but not be limited to a combination of the following:

- A. Income tax forms;
- B. Professional massage therapy association membership(s);
- C. Certificates of continuing education in massage therapy;
- D. Business license(s);
- E. Office rent or lease agreement(s);
- F. Yellow page advertisements with dates;
- G. Printed advertisements with dates;
- H. Professional insurance;
- I. Cancelled checks related to the massage therapy practice which shall include but not be limited to payment for rent, services rendered and/or massage therapy supplies;
- J. Verifiable letter(s) from employer(s);
- K. Verifiable letter(s) of referral for massage therapy services from a licensed healthcare professional;
- L. Verifiable letters of confirmation from clients of massage therapy experience;
- M. Work log or client records consisting of client's name, address and/or telephone number, appointment date, and time period worked on client; and

4. Evidence of at least one hundred (100) clock hours of formal massage therapy training approved by the board which shall include any combination of the following:

A. Classroom and directly supervised student clinical massage therapy practice hours;

B. Continuing education credits in massage therapy; or

C. Massage therapy seminar and/or workshop attendance.

(4) Temporary Two (2)-Year License.

(A) A person who has practiced less than three (3) years prior to August 28, 1999 and has at least one hundred (100) clock hours of training prior to December 31, 2000 and applies for a temporary two (2)-year license prior to December 31, 2000 shall be at least eighteen (18) years of age and shall submit or cause to be submitted:

1. A completed notarized application and the accompanying application fee;

2. Two (2) sets of fingerprints and the fingerprinting fee;

3. Evidence documenting at least seventy-five (75) massage hours over a minimum of a six (6)-month period with no less than eight (8) hours in each single month of massage therapy practice prior to August 28, 1999 which shall include but not be limited to a combination of the following:

- A. Income tax forms;
- B. Professional massage therapy association membership(s);
- C. Certificates of continuing education in massage therapy;
- D. Business license(s);
- E. Office rent or lease agreement(s);
- F. Yellow page advertisements with dates;
- G. Printed advertisements with dates;
- H. Professional insurance;
- I. Cancelled checks related to the massage therapy practice which shall include but not be limited to payment for rent, services rendered and/or massage therapy supplies;
- J. Verifiable letter(s) from employer(s);
- K. Verifiable letter(s) of referral for massage therapy services from a licensed healthcare professional;

(B) A person who has practiced less than three (3) years prior to August 28, 1999 and has at least one hundred (100) clock hours of training prior to December 31, 2000 and applies for a temporary two (2)-year license prior to December 31, 2000 shall be at least eighteen (18) years of age and shall submit or cause to be submitted:

1. A completed notarized application and the accompanying application fee;

2. Two (2) sets of fingerprints and the fingerprinting fee;

3. Evidence documenting at least seventy-five (75) massage hours over a minimum of a six (6)-month period with no less than eight (8) hours in each single month of massage therapy practice prior to August 28, 1999 which shall include but not be limited to a combination of the following:

- A. Income tax forms;
- B. Professional massage therapy association membership(s);
- C. Certificates of continuing education in massage therapy;
- D. Business license(s);
- E. Office rent or lease agreement(s);
- F. Yellow page advertisements with dates;
- G. Printed advertisements with dates;
- H. Professional insurance;
- I. Cancelled checks related to the massage therapy practice which shall include but not be limited to payment for rent, services rendered and/or massage therapy supplies;
- J. Verifiable letter(s) from employer(s);
- K. Verifiable letter(s) of referral for massage therapy services from a licensed healthcare professional;

L. Verifiable letters of confirmation from clients of massage therapy experience; or

M. Work log or client records consisting of client's name, address and/or telephone number, appointment date, and time period worked on client; and

4. Evidence of at least one hundred (100) clock hours of formal massage therapy training approved by the board which shall include any combination of the following:

A. Classroom and directly supervised student clinical massage therapy practice hours;

B. Continuing education credits in massage therapy; or

C. Massage therapy seminar and/or workshop attendance.

(B) A person who has practiced at least three (3) years prior to August 28, 1999 and has less than one hundred (100) clock hours of training prior to December 31, 2000 and applies for a temporary two (2)-year license prior to December 31, 2000 shall be at least eighteen (18) years of age and shall submit or cause to be submitted:

1. A completed notarized application and the accompanying application fee;

2. Two (2) sets of fingerprints and the fingerprinting fee;

3. Evidence documenting at least three (3) years massage therapy practice (minimum of one hundred fifty (150) massage hours per year practiced between August 28, 1994 to August 28, 1999) which shall include but not be limited to a combination of the following:

A. Income tax forms;

B. Professional massage therapy association membership(s);

C. Certificates of continuing education in massage therapy;

D. Business license(s);

E. Office rent or lease agreement(s);

F. Yellow page advertisements with dates;

G. Printed advertisements with dates;

H. Professional insurance;

I. Cancelled checks related to the massage therapy practice which shall include but not be limited to payment for rent, services rendered and/or massage therapy supplies;

J. Verifiable letter(s) from employer(s);

K. Verifiable letter(s) of referral for massage therapy services from a licensed healthcare professional;

L. Verifiable letters of confirmation from clients of massage therapy experience; and

M. Work log or client records consisting of client's name, address and/or telephone number, appointment date, and time period worked on client; and

4. Evidence of at least twenty-five (25) clock hours of formal massage therapy training approved by the board which shall include any combination of the following:

A. Classroom and directly supervised student clinical massage therapy practice hours;

B. Continuing education credits in massage therapy; or

C. Massage therapy seminar and/or workshop attendance.

(C) During the temporary two (2)-year license period the licensee shall complete at least one hundred (100) additional clock hours of formal training approved by the board and shall:

1. Cause an official final transcript to be submitted directly to the board office from the approved massage therapy school which includes:

A. The applicant's name;

B. Date of enrollment;

C. Date of completion; and

D. Evidence that one hundred (100) clock hours of formal training included at least twenty-five (25) clock hours in anatomy and physiology.

(D) The temporary two (2)-year license shall not be renewable.

(E) A temporary license holder who fails to complete the required one hundred (100) clock hours of formal training

approved by the board within the two (2)-year license period shall not be eligible for licensure pursuant to this provision and will have to reapply for licensure pursuant to the licensure requirements in effect at that time.

AUTHORITY: sections 324.240, 324.243, 324.245, 324.265, 324.267 and 324.270, RSMo Supp. 1999. Original rule filed Feb. 25, 2000.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions an estimated \$37,831 annually for the life of the rule. It is anticipated that the total annual cost per year will recur each year for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.

PRIVATE COST: This proposed rule will cost private entities an estimated \$579,990 for the first year of implementation of the rule. Thereafter, the board is anticipating an annual growth rate of 5% in licensees. Therefore, the board estimates that the annual private entity cost to comply with this rule will be \$28,999.50 for the life of the rule. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Board of Therapeutic Massage, Donna Steinmetz, Executive Director, P.O. Box 1335, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. A public hearing on this proposed rule is scheduled for May 10, 2000 from 1:00-5:00 p.m. in Room 492 of the Harry S Truman State Office Building, 301 West High Street, Jefferson City, Missouri.

**Division of Professional Registration
FISCAL NOTE
PUBLIC ENTITY COST**

I. RULE NUMBER

Title: 4 – Department of Economic Development

Division: 197-Board of Therapeutic Massage

Chapter: 2 – Massage Therapist Licensure Requirements

Type of Rulemaking: Proposed Rule

Rule Number and Name: 4 CSR 197-2.010 Application for Licensure

Prepared December 27, 1999 by the Board of Therapeutic Massage of the Department of Economic Development.

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Board of Therapeutic Massage	\$37,831.00

III. WORKSHEET

The costs for this rule are detailed in the table below and are based on the following assumptions:

- 1) Personal service costs are incurred for staff time to handle inquiries, correspondence, process applications and supporting documentation, prepare meeting agendas, attend meetings of the board and to implement board/division directives.
- 2) Expense and equipment costs are incurred for meeting preparation and board expenses for issuing and mailing massage therapy licenses;
- 3) Transfers are costs incurred for board and staff support provided by the Division of Professional Registration (also includes data processing, cash receiving room and MIS) and costs incurred for services provided by agencies such as the Office of the Attorney General, Secretary of State and State Auditor.

Table 1 – Estimated Cost of Compliance by Category of Allocation

Category of Allocation	Licensure – 26%	Enforcement – 4%
Personal Service	\$9,662.00	\$991.00
Expense & Equipment	\$2,231.00	\$229.00
Transfers	\$22,419.00	\$2,299.00
TOTAL	\$34,312.00	\$3,519.00

IV. ASSUMPTIONS

In developing this fiscal note, the total public entity costs of the Board of Therapeutic Massage were determined by using allotment figures for personal service, expense and equipment, and transfers based on actual costs incurred for a board of similar size. These annual costs will recur

each year for the life of the rule; may vary with inflation; and are expected to increase annually at the rate projected by the Legislative Oversight Committee.

For the purpose of calculating the fiscal impact of the administrative rules, two major categories of board activity were identified: licensure and enforcement. The board estimates 60% of personal service, expense & equipment and transfer costs will be dedicated to the licensure effort and an estimated 40% of personal service, expense & equipment and transfer costs will be dedicated to the enforcement effort. Transfer costs also include rent and utilities. (See Table 2, 3 & 4)

Table 2— Allocation of Personal Service Dollars

Allotment	Percentage & Category	Dollar Amount
\$61,934.00	60% - Licensure	\$37,160.00
\$61,934.00	40% - Enforcement	\$24,774.00

Table 3— Allocation of Expense & Equipment Dollars

Allotment	Percentage & Category	Dollar Amount
\$14,298.00	60% - Licensure	\$8,579.00
\$14,298.00	40% - Enforcement	\$5,719.00

Table 4— Allocation of Transfer Dollars

Allotment	Percentage & Category	Dollar Amount
\$143,711.00	60% - Licensure	\$86,227.00
\$143,711.00	40% - Enforcement	\$57,484.00

In allocating costs, this proposed rule was reviewed to determine if the rule contained attributes of licensure and/or enforcement. It is estimated that 25% of the total time involving the administration of the proposed rule will be spent on licensure efforts and 4% of the time will be spent on enforcement efforts. These percentages have been applied to personal service, expense & equipment and transfer dollars. (See Table 1)

**FISCAL NOTE
PRIVATE ENTITY COST**

I. RULE NUMBER

Title: 4 – Department of Economic Development

Division: 197 - Division of Professional Registration - Board of Therapeutic Massage

Chapter: 2 – Massage Therapy Licensure Requirements

Type of Rulemaking: Proposed Rule

Rule Number and Name: 4 CSR 197-2.010 Application for Licensure

Prepared December 27, 1999 by the Board of Therapeutic Massage of the Department of Economic Development

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimated cost of compliance with the rule by the affected entities:
3000	Individuals (application fee)	\$450,000.00
3000	Individuals (fingerprinting fees)	\$69,000.00
3000	Individuals (photograph fees)	\$22,500.00
3000	Individuals (notary)	\$7,500.00
3000	Individuals (transcript)	\$30,000.00
3000	Individuals (postage)	\$990.00
Estimated Cost of Compliance for the First Year of Implementation of the Rule		\$579,990.00
Estimated Annual Cost of Compliance for the Life of the Rule		\$28,999.50

III. WORKSHEET

Application fee @ \$150.00
Fingerprinting fee @ \$23.00
Photograph fee @ \$7.50
Notary @ \$2.50
Transcript @ \$10.00
Postage @ \$.33

IV. ASSUMPTIONS

1. The board anticipates three thousand (3000) individuals will apply for licensure during the first year based on the number of individuals who have contacted the office and requested to be placed on the licensure application mailing list. The board estimates this application process will cost each applicant approximately \$193.33.
2. The private entity cost for this proposed rule is estimated to be \$579,990.00 for the first year of implementation of the rule. Thereafter, the board is anticipating an annual growth rate of 5% in licensees. Therefore, the board estimates that the annual private entity cost to comply with this rule will be \$28,999.50 for the life of the rule. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 197—Board of Therapeutic Massage
Chapter 2—Massage Therapist Licensure Requirements**

PROPOSED RULE

4 CSR 197-2.020 Reciprocity

PURPOSE: This rule outlines the requirement for licensure by reciprocity.

(1) A person applying for licensure by reciprocity whose state, territory, commonwealth, or the District of Columbia has requirements which substantially conform to those in the state of Missouri shall submit or cause to be submitted the following:

(A) A completed notarized application and the accompanying application fee;

(B) Two (2) sets of fingerprints and the fingerprinting fee;

(C) A copy of a current massage therapy license;

(D) A copy of the other state, territory, commonwealth, or the District of Columbia's statutes and rules and regulations pertaining to massage therapy; and

(E) A letter of verification to be submitted directly to the board office from the state, territory, commonwealth, or the District of Columbia's licensing agency, if applicable, which shall include:

1. Verification of the applicant's license;
2. License issuance date;
3. License expiration date; and
4. Information regarding any pending or prior investigations or disciplinary action.

(2) A person applying for licensure by reciprocity whose state, territory, commonwealth, or the District of Columbia has less stringent laws than those in force in the state of Missouri shall be required to meet the requirements of section 324.265 and board rule 4 CSR 197-2.010.

AUTHORITY: sections 324.245, and 324.265, RSMo Supp. 1999. Original rule filed Feb. 25, 2000.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions an estimated \$13,197 annually for the life of the rule. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.

PRIVATE COST: This proposed rule will cost private entities an estimated \$1,933.30 annually for the life of the rule. It is anticipated that the cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Board of Therapeutic Massage, Donna Steinmetz, Executive Director, P.O. Box 1335, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register**. A public hearing on this proposed rule is scheduled for May 10, 2000 from 1:00–5:00 p.m. in Room 492 of the Harry S Truman State Office Building, 301 West High Street, Jefferson City, Missouri.

Division of Professional Registration
FISCAL NOTE
PUBLIC ENTITY COST

I. RULE NUMBER

Title: 4 – Department of Economic Development

Division: 197-Board of Therapeutic Massage

Chapter: 2 – Massage Therapist Licensure Requirements

Type of Rulemaking: Proposed Rule

Rule Number and Name: 4 CSR 197-2.020 Reciprocity

Prepared December 27, 1999 by the Board of Therapeutic Massage of the Department of Economic Development.

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Board of Therapeutic Massage	\$13,197.00

III. WORKSHEET

The costs for this rule are detailed in the table below and are based on the following assumptions:

- 1) Personal service costs are incurred for staff time to handle inquiries, correspondence, process applications and supporting documentation, prepare meeting agendas, attend meetings of the board and to implement board/division directives.
- 2) Expense and equipment costs are incurred for meeting preparation and board expenses for issuing and mailing massage therapy licenses;
- 3) Transfers are costs incurred for board and staff support provided by the Division of Professional Registration (also includes data processing, cash receiving room and MIS) and costs incurred for services provided by agencies such as the Office of the Attorney General, Secretary of State and State Auditor.

Table 1 – Estimated Cost of Compliance by Category of Allocation

Category of Allocation	Licensure – 10%	Enforcement – 0%
Personal Service	\$3,716.00	\$0
Expense & Equipment	\$858.00	\$0
Transfers	\$8,623.00	\$0
TOTAL	\$13,197.00	\$0

IV. ASSUMPTIONS

In developing this fiscal note, the total public entity costs of the Board of Therapeutic Massage were determined by using allotment figures for personal service, expense and equipment, and transfers based on actual costs incurred for a board of similar size. These annual costs will recur

each year for the life of the rule; may vary with inflation; and are expected to increase annually at the rate projected by the Legislative Oversight Committee.

For the purpose of calculating the fiscal impact of the administrative rules, two major categories of board activity were identified: licensure and enforcement. The board estimates 60% of personal service, expense & equipment and transfer costs will be dedicated to the licensure effort and an estimated 40% of personal service, expense & equipment and transfer costs will be dedicated to the enforcement effort. Transfer costs also include rent and utilities. (See Table 2, 3 & 4)

Table 2— Allocation of Personal Service Dollars

Allotment	Percentage & Category	Dollar Amount
\$61,934.00	60% - Licensure	\$37,160.00
\$61,934.00	40% - Enforcement	\$24,774.00

Table 3— Allocation of Expense & Equipment Dollars

Allotment	Percentage & Category	Dollar Amount
\$14,298.00	60% - Licensure	\$8,579.00
\$14,298.00	40% - Enforcement	\$5,719.00

Table 4— Allocation of Transfer Dollars

Allotment	Percentage & Category	Dollar Amount
\$143,711.00	60% - Licensure	\$86,227.00
\$143,711.00	40% - Enforcement	\$57,484.00

In allocating costs, this proposed rule was reviewed to determine if the rule contained attributes of licensure and/or enforcement. It is estimated that 10% of the total time involving the administration of the proposed rule will be spent on licensure efforts and 0% of the time will be spent on enforcement efforts. These percentages have been applied to personal service, expense & equipment and transfer dollars. (See Table 1)

**FISCAL NOTE
PRIVATE ENTITY COST**

I. RULE NUMBER

Title: 4 – Department of Economic Development

Division: 197 - Division of Professional Registration - Board of Therapeutic Massage

Chapter: 2 – Massage Therapy Licensure Requirements

Type of Rulemaking: Proposed Rule

Rule Number and Name: 4 CSR 197-2.020 Reciprocity

Prepared December 27, 1999 by the Board of Therapeutic Massage of the Department of Economic Development

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimated cost of compliance with the rule by the affected entities:
10	Individuals (application fee)	\$1,500.00
10	Individuals (fingerprinting fees)	\$230.00
10	Individual (photograph fee)	\$75.00
10	Individual (notary)	\$25.00
10	Individual (verification)	\$100.00
10	Individual (postage)	\$3.30
Estimated Annual Cost of Compliance for the Life of the Rule		\$1,933.30

III. WORKSHEET

Application fee @ \$150.00
Fingerprinting fees @ \$23.00
Photograph fee @ \$7.50
Notary @ \$2.50
Verification @ \$10.00
Postage @ \$.33

IV. ASSUMPTIONS

1. The board anticipates ten (10) individuals will annually apply for reciprocity. The board estimates this application process to cost each applicant approximately \$193.33.
2. The private entity cost for this proposed rule is estimated to be \$1,933.30 annually for the life of the rule. It is anticipated that the cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 197—Board of Therapeutic Massage
Chapter 2—Massage Therapist Licensure Requirements**

PROPOSED RULE

4 CSR 197-2.030 Provisional License

PURPOSE: This rule outlines the requirements to obtain a provisional license.

(1) A person who has completed massage therapy studies and has applied to take a statistically valid examination pursuant to 4 CSR 197-2.010(1) or 4 CSR 197-2.010(2) may obtain a provisional license to engage in the practice of massage therapy by submitting to the board an application and the accompanying fees pursuant to the application requirements in 4 CSR 197-2.010(1) or 4 CSR 197-2.010(2).

(2) A provisional license is valid for sixty (60) days. Upon expiration of a provisional license the licensee shall no longer engage in the practice of massage therapy.

(3) A provisional license may be renewed once at the discretion of the board.

(4) A person holding a provisional license is subject to all statutes, rules and regulations relating to the licensing and regulation of licensed massage therapists and licensed massage therapy businesses.

AUTHORITY: sections 324.245 and 324.265, RSMo Supp. 1999. Original rule filed Feb. 25, 2000.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions an estimated \$6,598 annually for the life of the rule. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.

PRIVATE COST: This proposed rule will cost private entities an estimated \$6,049.50 annually for the life of the rule. It is anticipated that the cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Board of Therapeutic Massage, Donna Steinmetz, Executive Director, P.O. Box 1335, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. A public hearing on this proposed rule is scheduled for May 10, 2000 from 1:00–5:00 p.m. in Room 492 of the Harry S Truman State Office Building, 301 West High Street, Jefferson City, Missouri.

Division of Professional Registration
FISCAL NOTE
PUBLIC ENTITY COST

1. RULE NUMBER

Title: 4 – Department of Economic Development

Division: 197-Board of Therapeutic Massage

Chapter: 2 – Massage Therapist Licensure Requirements

Type of Rulemaking: Proposed Rule

Rule Number and Name: 4 CSR 197-2.030 Provisional License

Prepared December 27, 1999 by the Board of Therapeutic Massage of the Department of Economic Development.

V. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Board of Therapeutic Massage	\$6,598.00

VI. WORKSHEET

The costs for this rule are detailed in the table below and are based on the following assumptions:

- 1) Personal service costs are incurred for staff time to handle inquiries, correspondence, process applications and supporting documentation, prepare meeting agendas, attend meetings of the board and to implement board/division directives.
- 2) Expense and equipment costs are incurred for meeting preparation and board expenses for issuing and mailing provisional licenses;
- 3) Transfers are costs incurred for board and staff support provided by the Division of Professional Registration (also includes data processing, cash receiving room and MIS) and costs incurred for services provided by agencies such as the Office of the Attorney General, Secretary of State and State Auditor.

Table 1 – Estimated Cost of Compliance by Category of Allocation

Category of Allocation	Licensure – 5%	Enforcement – 0%
Personal Service	\$1,858.00	\$0
Expense & Equipment	\$429.00	\$0
Transfers	\$4,311.00	\$0
TOTAL	\$6,598.00	\$0

VII. ASSUMPTIONS

In developing this fiscal note, the total public entity costs of the Board of Therapeutic Massage were determined by using allotment figures for personal service, expense and equipment, and transfers based on actual costs incurred for a board of similar size. These annual costs will recur

each year for the life of the rule; may vary with inflation; and are expected to increase annually at the rate projected by the Legislative Oversight Committee.

For the purpose of calculating the fiscal impact of the administrative rules, two major categories of board activity were identified: licensure and enforcement. The board estimates 60% of personal service, expense & equipment and transfer costs will be dedicated to the licensure effort and an estimated 40% of personal service, expense & equipment and transfer costs will be dedicated to the enforcement effort. Transfer costs also include rent and utilities. (See Table 2, 3 & 4)

Table 2– Allocation of Personal Service Dollars

Allotment	Percentage & Category	Dollar Amount
\$61,934.00	60% - Licensure	\$37,160.00
\$61,934.00	40% - Enforcement	\$24,774.00

Table 3– Allocation of Expense & Equipment Dollars

Allotment	Percentage & Category	Dollar Amount
\$14,298.00	60% - Licensure	\$8,579.00
\$14,298.00	40% - Enforcement	\$5,719.00

Table 4– Allocation of Transfer Dollars

Allotment	Percentage & Category	Dollar Amount
\$143,711.00	60% - Licensure	\$86,227.00
\$143,711.00	40% - Enforcement	\$57,484.00

In allocating costs, this proposed rule was reviewed to determine if the rule contained attributes of licensure and/or enforcement. It is estimated that 5% of the total time involving the administration of the proposed rule will be spent on licensure efforts and 0% of the time will be spent on enforcement efforts. These percentages have been applied to personal service, expense & equipment and transfer dollars. (See Table 1)

**FISCAL NOTE
PRIVATE ENTITY COST**

I. RULE NUMBER

Title: 4 – Department of Economic Development

Division: 197 - Division of Professional Registration - Board of Therapeutic Massage

Chapter: 2 – Massage Therapy Licensure Requirements

Type of Rulemaking: Proposed Rule

Rule Number and Name: 4 CSR 197-2.030 Provisional License

Prepared December 27, 1999 by the Board of Therapeutic Massage of the Department of Economic Development

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimated cost of compliance with the rule by the affected entities:
150	Individuals (application fee)	\$4,500.00
150	Individuals (photograph fee)	\$1,125.00
150	Individual (notary)	\$375.00
150	Individual (postage)	\$49.50
Estimated Annual Cost of Compliance for the Life of the Rule		\$6,049.50

III. WORKSHEET

Application fee @ \$30.00
Photograph @ \$7.50
Notary @ \$2.50
Postage @ \$.33

IV. ASSUMPTIONS

1. The board anticipates one hundred fifty (150) individuals will apply annually for provisional licensure. The board estimates this application process to cost each applicant approximately \$40.33.
2. The private entity cost for this proposed rule is estimated to be \$6,049.50 annually for the life of the rule. It is anticipated that the cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 197—Board of Therapeutic Massage
Chapter 2—Massage Therapist Licensure Requirements**

PROPOSED RULE

4 CSR 197-2.040 Students/Student License

PURPOSE: This rule outlines the requirements to obtain a student license.

(1) Upon enrollment the school or the certified mentor shall submit to the board documentation for a student license that includes the student's name, address, telephone number, date of birth and Social Security number.

(2) As a part of the course of study, any student may practice massage therapy on fellow students and family members.

(3) A student license shall be issued upon notification to the board from the instructor or certified mentor that the student has demonstrated substantial progress and competency, as approved within the course of instruction, with a grade of "C" or better in the following:

- (A) Basic hygiene;
- (B) Universal precautions;
- (C) Contraindications; and
- (D) Basic massage theory and basic massage hands-on practice.

(4) Student licenses shall be displayed in a conspicuous place with a photograph that has been taken within the last two (2) years.

(5) The holder of a student license may practice massage therapy on members of the public while under the direct supervision of a massage therapy instructor or certified mentor.

(6) Students shall not receive compensation for any massage therapy services.

(7) When the individual is no longer an active student or has graduated, the school shall return the student license within thirty (30) days to the board office.

(8) No massage therapy instructor shall have more than five (5) students under his/her direct supervision at one time during massage therapy clinical practice.

AUTHORITY: sections 324.245 and 324.265, RSMo Supp. 1999. Original rule filed Feb. 25, 2000.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions an estimated \$6,598 annually for the life of the rule. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.

PRIVATE COST: This proposed rule will cost private entities an estimated \$3,424.50 annually for the life of the rule. It is anticipated that the cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in

opposition to this proposed rule with the Board of Therapeutic Massage, Donna Steinmetz, Executive Director, P.O. Box 1335, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. A public hearing on this proposed rule is scheduled for May 10, 2000 from 1:00–5:00 p.m. in Room 492 of the Harry S Truman State Office Building, 301 West High Street, Jefferson City, Missouri.

Division of Professional Registration
FISCAL NOTE
PUBLIC ENTITY COST

I. RULE NUMBER

Title: 4 – Department of Economic Development

Division: 197-Board of Therapeutic Massage

Chapter: 2 – Massage Therapist Licensure Requirements

Type of Rulemaking: Proposed Rule

Rule Number and Name: 4 CSR 197-2.040 Students/Student License

Prepared December 27, 1999 by the Board of Therapeutic Massage of the Department of Economic Development.

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Board of Therapeutic Massage	\$6,598.00

III. WORKSHEET

The costs for this rule are detailed in the table below and are based on the following assumptions:

- 1) Personal service costs are incurred for staff time to handle inquiries, correspondence, process applications and supporting documentation, and to implement board/division directives.
- 2) Expense and equipment costs are incurred for meeting preparation and board expenses for issuing and mailing student licenses;
- 3) Transfers are costs incurred for board and staff support provided by the Division of Professional Registration (also includes data processing, cash receiving room and MIS) and costs incurred for services provided by agencies such as the Office of the Attorney General, Secretary of State and State Auditor.

Table 1 – Estimated Cost of Compliance by Category of Allocation

Category of Allocation	Licensure – 5%	Enforcement – 0%
Personal Service	\$1,858.00	\$0
Expense & Equipment	\$429.00	\$0
Transfers	\$4,311.00	\$0
TOTAL	\$6,598.00	\$0

IV. ASSUMPTIONS

In developing this fiscal note, the total public entity costs of the Board of Therapeutic Massage were determined by using allotment figures for personal service, expense and equipment, and transfers based on actual costs incurred for a board of similar size. These annual costs will recur

each year for the life of the rule; may vary with inflation; and are expected to increase annually at the rate projected by the Legislative Oversight Committee.

For the purpose of calculating the fiscal impact of the administrative rules, two major categories of board activity were identified: licensure and enforcement. The board estimates 60% of personal service, expense & equipment and transfer costs will be dedicated to the licensure effort and an estimated 40% of personal service, expense & equipment and transfer costs will be dedicated to the enforcement effort. Transfer costs also include rent and utilities. (See Table 2, 3 & 4)

Table 2— Allocation of Personal Service Dollars

Allotment	Percentage & Category	Dollar Amount
\$61,934.00	60% - Licensure	\$37,160.00
\$61,934.00	40% - Enforcement	\$24,774.00

Table 3— Allocation of Expense & Equipment Dollars

Allotment	Percentage & Category	Dollar Amount
\$14,298.00	60% - Licensure	\$8,579.00
\$14,298.00	40% - Enforcement	\$5,719.00

Table 4— Allocation of Transfer Dollars

Allotment	Percentage & Category	Dollar Amount
\$143,711.00	60% - Licensure	\$86,227.00
\$143,711.00	40% - Enforcement	\$57,484.00

In allocating costs, this proposed rule was reviewed to determine if the rule contained attributes of licensure and/or enforcement. It is estimated that 5% of the total time involving the administration of the proposed rule will be spent on licensure efforts and 0% of the time will be spent on enforcement efforts. These percentages have been applied to personal service, expense & equipment and transfer dollars. (See Table 1)

**FISCAL NOTE
PRIVATE ENTITY COST**

I. RULE NUMBER

Title: 4 – Department of Economic Development

Division: 197 - Division of Professional Registration - Board of Therapeutic Massage

Chapter: 2 – Massage Therapy Licensure Requirements

Type of Rulemaking: Proposed Rule

Rule Number and Name: 4 CSR 197-2.040 Students/Student License

Prepared December 27, 1999 by the Board of Therapeutic Massage of the Department of Economic Development

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimated cost of compliance with the rule by the affected entities:
150	Individuals (application fee)	\$2,250.00
150	Individuals (photograph fee)	\$1,125.00
150	Individual (postage)	\$49.50
Estimated Annual Cost of Compliance for the Life of the Rule		\$3,424.50

III. WORKSHEET

Application fee @ \$15.00
Photograph @ \$7.50
Postage @ \$.33

IV. ASSUMPTIONS

1. The board anticipates one hundred fifty (150) individuals will apply annually for a student license. The board estimates this application process to cost each applicant approximately \$28.33.
2. The private entity cost for this proposed rule is estimated to be \$3,424.50 annually for the life of the rule. It is anticipated that the cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 197—Board of Therapeutic Massage
Chapter 2—Massage Therapist Licensure Requirements**

PROPOSED RULE

4 CSR 197-2.050 License Renewal

PURPOSE: This rule outlines the requirements for the renewal of licensure and specifies continuing education requirements.

(1) Each licensee who holds a license pursuant to sections 324.240 to 324.275, RSMo shall complete, during the two (2)-year license period prior to renewal, as a condition of the license renewal, twelve (12) clock hours of continuing education relevant to the practice of massage therapy which shall include universal precautions/infection control and cardiopulmonary resuscitation (CPR) certification.

(2) Licensees shall maintain evidence of their course participation or course completion for a period of at least six (6) years. Such evidence must be submitted upon request by the board.

(3) A license issued pursuant to section 324.265, RSMo shall be renewed on or before the expiration of the license by submitting the signed renewal application and fee to the division.

(4) Failure of a licensee to receive the notice and application to renew his/her license shall not excuse him/her from the requirements of section 324.265, RSMo to renew that license.

(5) Receipt of the application for renewal after the expiration date of the license shall cause the license to become not current and a licensee who continues to practice without a valid license shall be deemed to be practicing in violation of sections 324.240 to 324.275, RSMo and subject to the penalties contained therein.

(6) Violation of any provision of this rule shall be deemed by the board to constitute misconduct, fraud, misrepresentation, dishonesty, unethical conduct or unprofessional conduct in the performance of the functions or duties of a massage therapist. In addition, a licensee who has failed to complete and report the requisite number of hours of continuing education and engages in the active practice of massage therapy without the express written authority of the board shall be deemed to have engaged in the unauthorized practice of massage therapy.

AUTHORITY: sections 324.245, 324.262 and 324.265, RSMo Supp. 1999. Original rule filed Feb. 25, 2000.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions an estimated \$18,475 annually for the life of the rule. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.

PRIVATE COST: This proposed rule will cost private entities an estimated \$856,946.10 for the first year of implementation of the rule. Thereafter, the board is anticipating an increase in the number of licensees by three hundred twenty (320) per biennial renewal based on the assumptions detailed in 4 CSR 197-2.010 and 4 CSR 197-2.020. Therefore, the board estimates that the private entity cost to comply with this rule will be \$856,946.10 biennially with a continuous biennial increase of \$86,505.60 for the life of the rule. It is anticipated that the cost will recur biennially for the life of the rule, may vary with inflation and is expected to increase

biennially at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Board of Therapeutic Massage, Donna Steinmetz, Executive Director, P.O. Box 1335, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register**. A public hearing on this proposed rule is scheduled for May 10, 2000 from 1:00–5:00 p.m. in Room 492 of the Harry S Truman State Office Building, 301 West High Street, Jefferson City, Missouri.

**Division of Professional Registration
FISCAL NOTE
PUBLIC ENTITY COST**

I. RULE NUMBER

Title: 4 – Department of Economic Development

Division: 197-Board of Therapeutic Massage

Chapter: 2 – Massage Therapist Licensure Requirements

Type of Rulemaking: Proposed Rule

Rule Number and Name: 4 CSR 197-2.050 License Renewal

Prepared December 27, 1999 by the Board of Therapeutic Massage of the Department of Economic Development.

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Board of Therapeutic Massage	\$18,475.00

III. WORKSHEET

The costs for this rule are detailed in the table below and are based on the following assumptions:

- 1) Personal service costs are incurred for staff time to handle inquiries, correspondence, process renewal applications and supporting documentation, prepare meeting agendas, attend meetings of the board and to implement board/division directives.
- 2) Expense and equipment costs are incurred for meeting preparation and board expenses for issuing a mailing renewal licenses;
- 3) Transfers are costs incurred for board and staff support provided by the Division of Professional Registration (also includes data processing, cash receiving room and MIS) and costs incurred for services provided by agencies such as the Office of the Attorney General, Secretary of State and State Auditor.

Table 1 – Estimated Cost of Compliance by Category of Allocation

Category of Allocation	Licensure – 12%	Enforcement – 3%
Personal Service	\$4,459.00	\$743.00
Expense & Equipment	\$1,029.00	\$172.00
Transfers	\$10,347.00	\$1,725.00
TOTAL	\$15,835.00	\$2,640.00

IV. ASSUMPTIONS

In developing this fiscal note, the total public entity costs of the Board of Therapeutic Massage were determined by using allotment figures for personal service, expense and equipment, and transfers based on actual costs incurred for a board of similar size. These annual costs will recur

each year for the life of the rule; may vary with inflation; and are expected to increase annually at the rate projected by the Legislative Oversight Committee.

For the purpose of calculating the fiscal impact of the administrative rules, two major categories of board activity were identified: licensure and enforcement. The board estimates 60% of personal service, expense & equipment and transfer costs will be dedicated to the licensure effort and an estimated 40% of personal service, expense & equipment and transfer costs will be dedicated to the enforcement effort. Transfer costs also include rent and utilities. (See Table 2, 3 & 4)

Table 2– Allocation of Personal Service Dollars

Allotment	Percentage & Category	Dollar Amount
\$61,934.00	60% - Licensure	\$37,160.00
\$61,934.00	40% - Enforcement	\$24,774.00

Table 3– Allocation of Expense & Equipment Dollars

Allotment	Percentage & Category	Dollar Amount
\$14,298.00	60% - Licensure	\$8,579.00
\$14,298.00	40% - Enforcement	\$5,719.00

Table 4– Allocation of Transfer Dollars

Allotment	Percentage & Category	Dollar Amount
\$143,711.00	60% - Licensure	\$86,227.00
\$143,711.00	40% - Enforcement	\$57,484.00

In allocating costs, this proposed rule was reviewed to determine if the rule contained attributes of licensure and/or enforcement. It is estimated that 20% of the total time involving the administration of the proposed rule will be spent on licensure efforts and 30% of the time will be spent on enforcement efforts. These percentages have been applied to personal service, expense & equipment and transfer dollars. (See Table 1)

**FISCAL NOTE
PRIVATE ENTITY COST**

I. RULE NUMBER

Title: 4 – Department of Economic Development

Division: 197 - Division of Professional Registration - Board of Therapeutic Massage

Chapter: 2 – Massage Therapy Licensure Requirements

Type of Rulemaking: Proposed Rule

Rule Number and Name: 4 CSR 197-2.050 License Renewal

Prepared December 27, 1999 by the Board of Therapeutic Massage of the Department of Economic Development

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimated cost of compliance with the rule by the affected entities:
3170	Individuals (renewal fee)	\$475,500.00
3170	Individuals (continuing education fee)	\$380,400.00
3170	Individuals (postage)	\$1046.10
Estimated Cost of Compliance for the First Year of Implementation of the Rule		\$856,946.10

Estimated Annual Cost of Compliance for the Life of the Rule

\$856,946.10 biennially with a continuous biennial increase of \$86,505.60

III. WORKSHEET

Renewal fee @ \$150.00

Continuing education fee @ \$120 biennially per person

Postage @ \$.33

IV. ASSUMPTIONS

1. The board anticipates three thousand one hundred seventy (3170) individuals will apply for renewal during the first biennial renewal period based on the assumptions detailed in 4 CSR 197-2.010 and 4 CSR 197-2.020. The board estimates this registration process will cost each applicant approximately \$270.33 each renewal period.
2. It is not possible to estimate all costs that a licensee could incur in obtaining the required continuing education.
3. The private entity cost for this proposed rule is estimated to be \$856,946.10 for the first year of implementation of the rule. Thereafter, the board is anticipating an increase in the number of licensees by three hundred twenty (320) per biennial renewal period based on the assumptions detailed in 4 CSR 197-2.010 and 4 CSR 197-2.020. Therefore, the board estimates that the private entity cost to comply with this rule will be \$856,946.10 biennially with a continuous biennial increase of \$86,505.60 for the life of the rule. It is anticipated that the total cost will recur biennially for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 197—Board of Therapeutic Massage
Chapter 3—Standards of Practice**

PROPOSED RULE

4 CSR 197-3.010 Standards of Practice

PURPOSE: This rule establishes standards of practice for licensed massage therapists including those licensed massage therapists performing chair and on-site (outcall) massages and provisionally licensed massage therapists.

(1) Competence.

(A) Each massage therapist shall:

1. Practice within his/her own scope of education, practice, and competence and refer clients to other health professionals when appropriate;
2. Maintain in the records a copy of the current massage therapy license and any advanced training by documentation; and
3. Acknowledge the limitations of and contraindications to massage therapy and will not encourage unnecessary or unjustified treatment.

(B) No massage therapist shall delegate professional responsibilities to a person who is not qualified or licensed to perform them.

(2) Dual Relationships.

(A) No massage therapist shall:

1. Engage in any verbally or physically abusive behavior with a client or student;
2. Engage in sexual conduct with his/her student(s);
3. Exercise influence within a massage therapist-client relationship for purposes of engaging a client in sexual activity;
4. Take unfair advantage of the client or student for financial gain;
5. Massage the genitals; or
6. Massage the breast unless done by physician prescription or by documented clinical indication by a therapist who holds certification or advanced training in techniques related to therapeutic treatment of mammary tissue.

(3) Client Welfare.

(A) Each massage therapist shall:

1. Conduct their business and professional activities with honesty and integrity;
2. Maintain liability insurance coverage;
3. Obtain and document written client assessment information, prior to performing initial massage therapy services, which shall include but not be limited to the following:
 - A. Purpose for visit;
 - B. Presence of pain and the location;
 - C. Allergies;
 - D. Currently under the care of any health or mental health care professional;
 - E. Current medication use and the purpose;
 - F. Recent surgeries;
 - G. Preexisting conditions;
 - H. Written consent for treatment and date signed; and
 - I. The massage therapist's signature and date of services;
4. Update, at each session, the client record which shall include:
 - A. Client assessment information updated, if any changes or additions;
 - B. The date massage therapy services were performed;
 - C. Type of services performed;
 - D. Length of treatment;

E. Outcome assessment (may not apply to on-site/chair massage); and

F. The massage therapist's signature or initials;

5. Maintain client records for at least five (5) years;

6. Provide privacy for the client while the client is dressing and undressing;

7. Provide appropriate draping during treatment which includes draping at the gluteal cleft and genitals on males and females and the breasts on females;

8. Modify or terminate treatment at the client's request regardless of prior consent;

9. Exercise the right to refuse to treat any person or part of the body for just and reasonable cause;

10. Utilize universal precautions at all times. This includes handwashing before and after each client and not knowingly exposing clients to contagious diseases;

11. Provide adequate space around massage chair/table to allow for proper body mechanics and to minimize the spread of infection between tables/chairs;

12. Maintain all equipment used to perform massage therapy services in a safe and sanitary condition, which shall include but not be limited to:

A. Covering any massage or steam equipment that does not have an impervious barrier with a single service material;

B. Repairing all cuts and nicks in upholstery;

C. Cleansing all equipment coming in contact with a client, including hydrotherapy equipment, combs, brushes, showercaps, showers, tubs, and basins with a bactericidal agent between each client usage;

D. Performing a visual check of all equipment for the presence of any liquid, oil and/or body fluid and if present, all equipment shall be cleansed by the application of a bactericidal agent prior to and between clients;

E. Face cradles and arm rests on all massage chairs and tables must be cleaned with a bactericidal agent between each client regardless of whether or not a single service material was used;

F. Using all ice cubes only once and then disposing of properly; and

G. Cleansing after each use and keeping well maintained all ice and heat pack equipment;

13. Store and dispense from suitable containers all massage lubricants, which shall include but not be limited to oils, soaps, alcohol, powders, lotions, shampoos and salts in order to prevent contamination;

14. Remove lubricants from containers with clean, sanitized spatulas or dispense with a single-service cotton swab;

15. Keep multiple use containers, such as pump bottles and tubes, free of debris and sanitize between each client use and before refilling;

16. Store massage lubricants separately from cleaning supplies;

17. Store massage lubricants in a fashion to preserve their integrity;

18. Use only clean linens and drapes;

19. Store all single service materials and linens off the floor in closed shelves, containers, cabinets or closets;

20. Furnish clean and fresh all single-service materials and linens such as sheets, towels, gowns, and pillowcases used in the practice of massage for each individual client;

21. All soiled linens and drapes shall be professionally laundered or washed on a hot water setting with detergent and at least one (1) cup of bleach or an approved germicide used in accordance with product label instructions in a clothes washing machine and dried on a high heat setting in a dryer;

22. No massage therapist shall store dirty linens, trash cans, or refuse in the closed shelves, containers, cabinets or closets containing clean linens and single-service materials.

(4) Confidentiality of Clients.

(A) Each massage therapist will safeguard verbal and written confidential information of the client, unless disclosure is required by law, court order, or authorized by the client.

(5) Representation of Service.

(A) Each massage therapist shall:

1. Disclose to the client the schedule of fees for services prior to treatment; and

2. Include in any advertisement for massage:

A. His/her name and license number; and

B. When offering gratuitous services or discounts in connection with professional services, clearly and conspicuously state whether or not additional charges may be incurred by related services and the possible range of such additional charges;

3. Have available at all times proof of licensure and photo identification which has been taken within the last two (2) years.

(B) No massage therapist shall:

1. Misrepresent directly or by implication his/her professional qualifications such as type of licensure, education, experience, or areas of competence;

2. Falsify professional records;

3. Advertise massage therapy services or instruction which contain a false, fraudulent, misleading or deceptive statement or any form of sexual suggestiveness or explicit sexuality; or

4. Dress or behave in a provocative manner.

(6) Resolving Ethical Issues.

(A) Each massage therapist:

1. Has a responsibility to notify the board of any violation of the Standards of Practice of which the therapist has information and belief;

2. Has an obligation to be familiar with the Standards of Practice; and

3. Shall cooperate with any investigation or proceeding.

AUTHORITY: sections 324.245 and 324.262, RSMo Supp. 1999. Original rule filed Feb. 25, 2000.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rule will cost private entities an estimated \$1,535,000 for the first year of implementation of the rule. Thereafter, the board is anticipating an increase in the number of licensees by 160 annually based on the assumptions detailed in 4 CSR 197-2.010 and 4 CSR 197-2.020. Therefore, the board estimates that the private entity cost to comply with this rule will be \$1,505,000 annually with a continuous annual increase of \$80,000 for the life of the rule. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Board of Therapeutic Massage, Donna Steinmetz, Executive Director, P.O. Box 1335, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register**. A public hearing on this proposed rule is scheduled for May 10, 2000 from 1:00–5:00 p.m. in Room 492 of the Harry S Truman State Office Building, 301 West High Street, Jefferson City, Missouri.

**FISCAL NOTE
PRIVATE ENTITY COST**

I. RULE NUMBER

Title: 4 – Department of Economic Development

Division: 197 - Division of Professional Registration - Board of Therapeutic Massage

Chapter: 2 – Massage Therapy Licensure Requirements

Type of Rulemaking: Proposed Rule

Rule Number and Name: 4 CSR 197-3.010 Standards of Practice

Prepared December 27, 1999 by the Board of Therapeutic Massage of the Department of Economic Development

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimated cost of compliance with the rule by the affected entities:
3070	Individuals (liability insurance)	\$1,535,000.00

**Total Cost of Compliance for the
First Year of Implementation of
the Rule**

\$1,535,000.00

Total Annual Cost of Compliance

**\$1,535,000.00 plus an annual
continuous increase of \$80,000.00**

III. WORKSHEET

Liability insurance @ \$500.00

IV. ASSUMPTIONS

1. The board anticipates three thousand seventy (3070) individuals will be licensed by the board during the first two (2) years of implementation 4 CSR 197-2.010 and 4 CSR 197-2.020.
2. The board's estimate regarding the liability insurance is based on an average cost obtained from several insurance companies.
3. The private entity cost for this proposed rule is estimated to be \$1,535,000.00 for the first year of implementation of the rule. Thereafter, the board is anticipating an increase in the number of licensees by one hundred sixty (160) annually based on the assumptions detailed in 4 CSR 197-2.010 and 4 CSR 197-2.020. Therefore, the board estimates that the private entity cost to comply with this rule will be \$1,505,000.00 annually with a continuous annual increase of \$80,000.00 for the life of the rule. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 197—Board of Therapeutic Massage
Chapter 4—Apprenticeship**

PROPOSED RULE

4 CSR 197-4.010 Certified Mentor

PURPOSE: This rule outlines the requirements for licensure as a certified mentor.

(1) A certified mentor shall:

(A) Be a licensed massage therapist;
(B) Complete a notarized request for certification and the appropriate fee;

(C) Submit evidence documenting at least five (5) years massage therapy professional practice with an average of four hundred fifty (450) hours per year of massage teaching and massage practice hours. Documentation shall include but is not limited to a combination of the following:

1. Income tax forms;
2. Professional massage therapy association membership(s);
3. Certificates of continuing education in massage therapy;
4. Business license(s);
5. Office rent or lease agreement(s);
6. Yellow page advertisements with dates;
7. Printed advertisements with dates;
8. Professional insurance;
9. Cancelled checks related to the massage therapy practice which shall include but not be limited to payment for rent, services rendered and/or massage therapy supplies;
10. Verifiable letter(s) from employer(s);
11. Verifiable letter(s) from a school owner, program director and/or former students;
12. Verifiable letter(s) of referral for massage therapy services from a licensed healthcare professional;
13. Verifiable letters of confirmation from clients of massage therapy experience;
14. Work log or client records consisting of client's name, address and/or telephone number, appointment date, and time period worked on client; or
15. Student roster consisting of student's name, address and/or telephone number, date of attendance and time period of attendance;

(D) Submit documentation that the mentorship program consists of at least five hundred (500) clock hours of supervised instruction as follows:

1. Three hundred (300) clock hours dedicated to massage theory and practice techniques provided directly by the certified mentor;
2. One hundred (100) clock hours dedicated to the study of anatomy and physiology provided by an instructor who holds a bachelor's degree or higher in a field related to anatomy and physiology;
3. Fifty (50) clock hours dedicated to business practice, professional ethics, hygiene and massage law in the state of Missouri provided by an instructor who demonstrates documentable experience in a related field; and
4. Fifty (50) clock hours dedicated to ancillary therapies provided by an instructor who demonstrates documentable experience in a related field. The fifty (50) clock hours shall include but not be limited to cardiopulmonary resuscitation (CPR) and first aid which shall be provided by an instructor who holds the respective certification;

(E) Submit verification of instructor credentials and the course of study with proposed time line; and

(F) The certified mentor must provide the board with any change(s) in the course of study, instructor(s), or time line at least one hundred twenty (120) days prior to implementing the change, for board approval. If the board determines that the change(s) are substantive in nature, the board may require the certified mentor to reapply for approval as a certified mentor in accordance with this rule and pay the appropriate fee.

AUTHORITY: section 324.240 and 325.245, RSMo Supp. 1999. Original rule filed Feb. 25, 2000.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions an estimated \$1,320 annually for the life of the rule. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.

PRIVATE COST: This proposed rule will cost private entities an estimated \$1,250 for the first year of implementation of the rule. Thereafter, the board is anticipating an annual growth rate of 4% in licensees and estimates the total cost per year will be \$50.33 for the life of the rule. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Board of Therapeutic Massage, Donna Steinmetz, Executive Director, P.O. Box 1335, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. A public hearing on this proposed rule is scheduled for May 10, 2000 from 1:00–5:00 p.m. in Room 492 of the Harry S Truman State Office Building, 301 West High Street, Jefferson City, Missouri.

**Division of Professional Registration
FISCAL NOTE
PUBLIC ENTITY COST**

I. RULE NUMBER**Title:** 4 – Department of Economic Development**Division:** 197-Board of Therapeutic Massage**Chapter:** 4 - Apprenticeship**Type of Rulemaking:** Proposed Rule**Rule Number and Name:** 4 CSR 197-4.010 Certified Mentor

Prepared December 27, 1999 by the Board of Therapeutic Massage of the Department of Economic Development.

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Board of Therapeutic Massage	\$1,320.00

III. WORKSHEET

The costs for this rule are detailed in the table below and are based on the following assumptions:

- 1) Personal service costs are incurred for staff time to handle inquiries, correspondence, process applications and supporting documentation, prepare meeting agendas, attend meetings of the board and to implement board/division directives.
- 2) Expense and equipment costs are incurred for meeting preparation and board expenses incurred in issuing and mailing a certified mentor licenses;
- 3) Transfers are costs incurred for board and staff support provided by the Division of Professional Registration (also includes data processing, cash receiving room and MIS) and costs incurred for services provided by agencies such as the Office of the Attorney General, Secretary of State and State Auditor.

Table 1 – Estimated Cost of Compliance by Category of Allocation

Category of Allocation	Licensure – 1%	Enforcement – 0%
Personal Service	\$372.00	\$0
Expense & Equipment	\$86.00	\$0
Transfers	\$862.00	\$0
TOTAL	\$1,320.00	\$0

IV. ASSUMPTIONS

In developing this fiscal note, the total public entity costs of the Board of Therapeutic Massage were determined by using allotment figures for personal service, expense and equipment, and transfers based on actual costs incurred for a board of similar size. These annual costs will recur

each year for the life of the rule; may vary with inflation; and are expected to increase annually at the rate projected by the Legislative Oversight Committee.

For the purpose of calculating the fiscal impact of the administrative rules, two major categories of board activity were identified: licensure and enforcement. The board estimates 60% of personal service, expense & equipment and transfer costs will be dedicated to the licensure effort and an estimated 40% of personal service, expense & equipment and transfer costs will be dedicated to the enforcement effort. Transfer costs also include rent and utilities. (See Table 2, 3 & 4)

Table 2— Allocation of Personal Service Dollars

Allotment	Percentage & Category	Dollar Amount
\$61,934.00	60% - Licensure	\$37,160.00
\$61,934.00	40% - Enforcement	\$24,774.00

Table 3— Allocation of Expense & Equipment Dollars

Allotment	Percentage & Category	Dollar Amount
\$14,298.00	60% - Licensure	\$8,579.00
\$14,298.00	40% - Enforcement	\$5,719.00

Table 4— Allocation of Transfer Dollars

Allotment	Percentage & Category	Dollar Amount
\$143,711.00	60% - Licensure	\$86,227.00
\$143,711.00	40% - Enforcement	\$57,484.00

In allocating costs, this proposed rule was reviewed to determine if the rule contained attributes of licensure and/or enforcement. It is estimated that 1% of the total time involving the administration of the proposed rule will be spent on licensure efforts and 0% of the time will spent on enforcement efforts. These percentages have been applied to personal service, expense & equipment and transfer dollars. (See Table 1)

**FISCAL NOTE
PRIVATE ENTITY COST**

I. RULE NUMBER

Title: 4 – Department of Economic Development

Division: 197 - Division of Professional Registration - Board of Therapeutic Massage

Chapter: 4 - Apprenticeship

Type of Rulemaking: Proposed Rule

Rule Number and Name: 4 CSR 197-4.010 Certified Mentor

Prepared December 27, 1999 by the Board of Therapeutic Massage of the Department of Economic Development

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimated cost of compliance with the rule by the affected entities:
25	Individuals (application fee)	\$1,250.00
25	Individuals (postage)	\$8.25
Total Cost of Compliance for the First Year of Implementation of the Rule		\$1,250.00
Total Annual Cost of Compliance		\$50.33

III. WORKSHEET

Certified Mentor Application Fee @ \$50.00

Postage @ \$.33

IV. ASSUMPTIONS

1. The board anticipates twenty (25) individuals will initially apply for a certified mentor license. The board estimates this application process to cost each applicant approximately \$50.33.
2. The private entity cost for this proposed rule is estimated to be \$1,250.00 for the first year of implementation of the rule. Thereafter, the board is anticipating an annual growth rate of 4% in licensees and estimates the total cost per year will be \$50.33 for the life of year. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 197—Board of Therapeutic Massage
Chapter 4—Apprenticeship**

PROPOSED RULE

4 CSR 197-4.020 Certified Mentor—Apprenticeship Program

PURPOSE: This rule outlines the requirements of the certified mentor-apprenticeship program.

(1) A certified mentor shall provide massage therapy education and direct supervision for no more than three (3) students enrolled at any given time and no more than six (6) students per calendar year.

(2) The certified mentor shall conduct all mentorship training in a massage therapy business licensed by the board.

(3) The mentorship shall be at least five (5) months in duration and shall be completed within eighteen (18) months of commencement.

(4) The certified mentor must provide the board with any significant change(s) in the course of study, instructor(s), or time line.

AUTHORITY: sections 324.240, 324.245, 324.247, 324.250 and 324.265, RSMo Supp. 1999. Original rule filed Feb. 25, 2000.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions an estimated \$1,320 annually for the life of the rule. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.

PRIVATE COST: This proposed rule will not cost private entities more than \$500 in the aggregate.

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Board of Therapeutic Massage, Donna Steinmetz, Executive Director, P.O. Box 1335, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register**. A public hearing on this proposed rule is scheduled for May 10, 2000 from 1:00–5:00 p.m. in Room 492 of the Harry S Truman State Office Building, 301 West High Street, Jefferson City, Missouri.*

**Division of Professional Registration
FISCAL NOTE
PUBLIC ENTITY COST**

I. RULE NUMBER**Title:** 4 – Department of Economic Development**Division:** 197-Board of Therapeutic Massage**Chapter:** 4 - Apprenticeship**Type of Rulemaking:** Proposed Rule**Rule Number and Name:** 4 CSR 197-4.020 Certified Mentor – Apprenticeship Program

Prepared December 27, 1999 by the Board of Therapeutic Massage of the Department of Economic Development.

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Board of Therapeutic Massage	\$1,320.00

III. WORKSHEET

The costs for this rule are detailed in the table below and are based on the following assumptions:

- 1) Personal service costs are incurred for staff time to handle inquiries, correspondence, prepare meeting agendas, attend meetings of the board and to implement board/division directives.
- 2) Expense and equipment costs are incurred for meeting preparation and board expenses in regulating certified mentor – apprenticeship programs;
- 3) Transfers are costs incurred for board and staff support provided by the Division of Professional Registration (also includes data process, cash receiving room and MIS) and costs incurred for services provided by agencies such as the Office of the Attorney General, Secretary of State and State Auditor.

Table 1 – Estimated Cost of Compliance by Category of Allocation

Category of Allocation	Licensure – 1%	Enforcement – 0%
Personal Service	\$372.00	\$0
Expense & Equipment	\$86.00	\$0
Transfers	\$862.00	\$0
TOTAL	\$1,320.00	\$0

IV. ASSUMPTIONS

In developing this fiscal note, the total public entity costs of the Board of Therapeutic Massage were determined by using allotment figures for personal service, expense and equipment, and transfers based on actual costs incurred for a board of similar size. These annual costs will recur

each year for the life of the rule; may vary with inflation; and are expected to increase annually at the rate projected by the Legislative Oversight Committee.

For the purpose of calculating the fiscal impact of the administrative rules, two major categories of board activity were identified: licensure and enforcement. The board estimates 60% of personal service, expense & equipment and transfer costs will be dedicated to the licensure effort and an estimated 40% of personal service, expense & equipment and transfer costs will be dedicated to the enforcement effort. Transfer costs also include rent and utilities. (See Table 2, 3 & 4)

Table 2— Allocation of Personal Service Dollars

Allotment	Percentage & Category	Dollar Amount
\$61,934.00	60% - Licensure	\$37,160.00
\$61,934.00	40% - Enforcement	\$24,774.00

Table 3— Allocation of Expense & Equipment Dollars

Allotment	Percentage & Category	Dollar Amount
\$14,298.00	60% - Licensure	\$8,579.00
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Table 4— Allocation of Transfer Dollars

Allotment	Percentage & Category	Dollar Amount
\$143,711.00	60% - Licensure	\$86,227.00
\$143,711.00	40% - Enforcement	\$57,484.00

In allocating costs, this proposed rule was reviewed to determine if the rule contained attributes of licensure and/or enforcement. It is estimated that 1% of the total time involving the administration of the proposed rule will be spent on licensure efforts and 0% of the time will spent on enforcement efforts. These percentages have been applied to personal service, expense & equipment and transfer dollars. (See Table 1)

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**

**Division 197—Board of Therapeutic Massage
Chapter 5—Massage Therapy Business Requirements**

PROPOSED RULE

4 CSR 197-5.010 Massage Therapy Business—Survey Inspections

PURPOSE: This rule specifies the requirements to operate a massage therapy business.

(1) Each massage therapy business owner or manager shall:

(A) Employ or permit to practice on the premises only licensed or provisionally licensed massage therapists to perform massage therapy services;

(B) Ensure that no massage therapist in his/her employ or practicing on his/her premises perform beyond their scope of practice and expertise nor shall a massage therapy business owner direct or require a massage therapist to perform beyond their scope of practice and expertise;

(C) Maintain in the records a copy of the massage therapist's license, any certifications or advanced training, individual liability insurance and subsequent renewed licenses by documentation; Ensure that each massage therapist wears appropriate clothing and practices high standards of personal hygiene;

(D) Display in a conspicuous place the massage therapy business license and each massage therapist license with a photograph which has been taken within the last two (2) years;

(F) Maintain policies and procedures that address but are not limited to the nature and scope of services provided and orient employees or those practicing on their premises to the practice standards as it relates to public standards and client records and maintain proof of this orientation;

(G) Be responsible for maintaining client records for at least five (5) years. This includes safeguarding verbal and written confidential information of the client, unless disclosure is required by law, court order, or authorized by the client.

(H) Maintain professional liability insurance; a copy of which shall be available on the premises;

(I) Maintain documentation of compliance with all applicable building and fire codes prescribed by the state or local government. If no zoning codes are available establishments shall be equipped with and maintain fire extinguishers and smoke alarms that are in good working condition;

(J) Maintain all equipment used to perform massage therapy services on the premises in a safe and sanitary condition;

(K) Provide for safe and unobstructed human passage in the public areas of the premises;

(L) Ensure compliance with the regulations of other entities which include but are not limited to the Americans with Disabilities Act (ADA), Occupational Safety and Health Administration (OSHA) and the Environmental Protection Agency (EPA);

(M) Provide for the removal of garbage and refuse in a sanitary manner; and

(N) Provide for safe storage or removal of flammable materials.

(2) All furniture in a massage therapy business must be kept clean and well maintained.

(3) Massage therapy shall be conducted in rooms that are adequately lighted and ventilated and constructed so that they can be kept clean. Floors, walls, ceilings and windows must remain free of dust and other unclean substances and be in good repair at all times.

(4) The room(s) used for massage shall be used exclusively for massage and other clinical or health care related purposes.

(5) Each massage therapy business shall contain rest room facilities, including at least one water-flushed toilet, equipped with toilet tissue, from which the wastewater shall be discharged into a sewage system acceptable to the Environmental Protection Agency (EPA). Such facilities and all of the foregoing fixtures and components shall be kept clean, in good working condition, well lighted, and have adequate ventilation. Massage therapy businesses located in buildings housing multiple businesses under one roof such as arcades, shopping malls, terminals, and hotels may substitute centralized toilet facilities. Such central facilities shall be within three hundred feet (300') of the massage therapy business.

(6) Businesses shall be equipped with and maintain lavatories for hand cleansing within twenty feet (20') of the treatment room. Such lavatories must be kept clean and in good working condition. Massage therapists must utilize universal precautions at all times, however, a massage therapist may utilize a bactericidal waterless hand cleanser while in the confines of the massage therapy area and if leaving the area must use universal precautions before performing massage therapy on the next client.

(7) Massage therapy businesses shall be free of alive or dead flies, insects, and other vermin.

(8) No animals shall be permitted in a massage therapy business at any time except service animals whose whole purpose is to provide assistance to a customer.

AUTHORITY: sections 324.240, 324.245, 324.247, 324.250, 324.252, 324.255, 324.257 and 324.260, RSMo Supp. 1999. Original rule filed Feb. 25, 2000.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than \$500 in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Board of Therapeutic Massage, Donna Steinmetz, Executive Director, P.O. Box 1335, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. A public hearing on this proposed rule is scheduled for May 10, 2000 from 1:00–5:00 p.m. in Room 492 of the Harry S Truman State Office Building, 301 West High Street, Jefferson City, Missouri.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**

**Division 197—Board of Therapeutic Massage
Chapter 5—Massage Therapy Business Requirements**

PROPOSED RULE

4 CSR 197-5.020 Issuance of an Original Business License

PURPOSE: This rule outlines the requirements for this issuance of an original business license.

(1) A massage therapy business shall be defined as an address or establishment where massage is practiced unless otherwise exempted by section 324.240(7), RSMo.

(2) Six (6) months from the effective date of this rule no massage therapy business shall practice without a business license issued by the board.

(3) A massage therapist may not practice massage therapy at a site, location, or place which is not duly licensed as a massage therapy business, except at the residence or location provided by the client, at a health fair, sports event, trade show or health care facility.

(4) The license is valid only for the premises located at the address provided in the initial application for the massage therapy business.

(5) Massage practiced in the home shall be in an area used only for massage therapy or for clinical or other health related purposes and shall have exclusive lavatory facilities.

(6) A person applying for a business license shall be at least eighteen (18) years of age and shall submit:

- (A) A completed notarized application and application fee; and
- (B) Two (2) sets of fingerprints and the fingerprinting fee.

(7) A survey inspection shall be completed and on file with the board prior to the issuance of a business license.

(8) The board may conduct any survey inspection, as they deem appropriate during normal business hours.

(9) Refusal to permit a survey inspection shall constitute valid grounds for license denial or renewal of license.

(10) The business license shall be displayed in a conspicuous place on the premises of the licensed massage therapy business.

(11) Upon completion of each board survey inspection, a written report shall be prepared with respect to the massage therapy business's compliance or noncompliance with the provisions of sections 324.240 to 324.275, RSMo and the rules of this Chapter and the deficiencies found.

(12) A copy of the survey report and the list of deficiencies found shall be sent to the massage therapy business within fifteen (15) days following the survey inspection. The list of deficiencies shall specifically state the statute or rule which the massage therapy business is alleged to have violated.

(13) Within thirty (30) days of receipt of the report the board must receive a plan of correction from the business owner or manager to include time necessary for compliance.

(14) After thirty (30) days, if the massage therapy business does not acknowledge the deficiencies, file an acceptable plan of correction with the board, or complete an acceptable plan of correction, the board may file a complaint with the Administrative Hearing Commission.

(15) The board may conduct follow-up survey inspections.

(16) A massage therapy business shall not operate or advertise using a name other than the name under which the business license was issued.

AUTHORITY: sections 324.240, 324.245, 324.247, 324.250, 324.252, 324.255, 324.257 and 324.260, RSMo Supp. 1999. Original rule filed Feb. 25, 2000.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions an estimated \$52,786 annually for the life of the rule. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to

increase annually at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.

PRIVATE COST: This proposed rule will cost private entities an estimated \$37,915 for the first year of implementation of the rule. Thereafter, the board is anticipating an annual growth rate of 5% massage therapy business applicants and estimates the total annual cost will be \$1,895.75 for the life of the rule. It is anticipated that the total aggregate cost per year will recur each year for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Board of Therapeutic Massage, Donna Steinmetz, Executive Director, P.O. Box 1335, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. A public hearing on this proposed rule is scheduled for May 10, 2000 from 1:00-5:00 p.m. in Room 492 of the Harry S Truman State Office Building, 301 West High Street, Jefferson City, Missouri.

**Division of Professional Registration
FISCAL NOTE
PUBLIC ENTITY COST**

I. RULE NUMBER**Title:** 4 – Department of Economic Development**Division:** 197-Board of Therapeutic Massage**Chapter:** 5 – Massage Therapy Business Requirements**Type of Rulemaking:** Proposed Rule**Rule Number and Name:** 4 CSR 197-5.020 Issuance of an Original Business License

Prepared December 27, 1999 by the Board of Therapeutic Massage of the Department of Economic Development.

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Board of Therapeutic Massage	\$52,786.00

III. WORKSHEET

The costs for this rule are detailed in the table below and are based on the following assumptions:

- 1) Personal service costs are incurred for staff time to handle inquiries, correspondence, process applications and supporting documentation, prepare meeting agendas, attend meetings of the board and to implement board/division directives.
- 2) Expense and equipment costs are incurred for meeting preparation and board expenses incurred in issuing and mailing an original massage therapy business licenses;
- 3) Transfers are costs incurred for board and staff support provided by the Division of Professional Registration (also includes data processing, survey inspections, cash receiving room and MIS) and costs incurred for services provided by agencies such as the Office of the Attorney General, Secretary of State and State Auditor.

Table 1 – Estimated Cost of Compliance by Category of Allocation

Category of Allocation	Licensure – 20%	Enforcement – 30%
Personal Service	\$7,432.00	\$7,432.00
Expense & Equipment	\$1,716.00	\$1,716.00
Transfers	\$17,245.00	\$17,245.00
TOTAL	\$26,393.00	\$26,393.00

IV. ASSUMPTIONS

In developing this fiscal note, the total public entity costs of the Board of Therapeutic Massage were determined by using allotment figures for personal service, expense and equipment, and transfers based on actual costs incurred for a board of similar size. These annual costs will recur

each year for the life of the rule; may vary with inflation; and are expected to increase annually at the rate projected by the Legislative Oversight Committee.

For the purpose of calculating the fiscal impact of the administrative rules, two major categories of board activity were identified: licensure and enforcement. The board estimates 60% of personal service, expense & equipment and transfer costs will be dedicated to the licensure effort and an estimated 40% of personal service, expense & equipment and transfer costs will be dedicated to the enforcement effort. Transfer costs also include rent and utilities. (See Table 2, 3 & 4)

Table 2— Allocation of Personal Service Dollars

Allotment	Percentage & Category	Dollar Amount
\$61,934.00	60% - Licensure	\$37,160.00
\$61,934.00	40% - Enforcement	\$24,774.00

Table 3— Allocation of Expense & Equipment Dollars

Allotment	Percentage & Category	Dollar Amount
\$14,298.00	60% - Licensure	\$8,579.00
\$14,298.00	40% - Enforcement	\$5,719.00

Table 4— Allocation of Transfer Dollars

Allotment	Percentage & Category	Dollar Amount
\$143,711.00	60% - Licensure	\$86,227.00
\$143,711.00	40% - Enforcement	\$57,484.00

In allocating costs, this proposed rule was reviewed to determine if the rule contained attributes of licensure and/or enforcement. It is estimated that 20% of the total time involving the administration of the proposed rule will be spent on licensure efforts and 30% of the time will spent on enforcement efforts. These percentages have been applied to personal service, expense & equipment and transfer dollars. (See Table 1)

**FISCAL NOTE
PRIVATE ENTITY COST****I. RULE NUMBER****Title:** 4 – Department of Economic Development**Division:** 197 - Division of Professional Registration - Board of Therapeutic Massage**Chapter:** 5 – Massage Business Requirements**Type of Rulemaking:** Proposed Rule**Rule Number and Name:** 4 CSR 197-5.020 Issuance of an Original Business License

Prepared December 27, 1999 by the Board of Therapeutic Massage of the Department of Economic Development

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimated cost of compliance with the rule by the affected entities:
500	Individuals (application fee)	\$25,000.00
500	Individuals (fingerprinting fees)	\$11,500.00
500	Individual (notary)	\$1,250.00
500	Individual (postage)	\$66.00
Total Cost of Compliance for the First Year of Implementation of the Rule		\$37,915.00
Total Annual Cost of Compliance		\$1,895.75

III. WORKSHEET

Application fee @ \$50.00
 Fingerprinting fee @ \$23.00
 Notary @ \$2.50
 Postage @ \$.33

IV. ASSUMPTIONS

1. The board anticipates five hundred (500) individuals will apply for a business license during the first year based on the number of individuals who have contacted the office and requested to be placed on the business license application mailing list. The board estimates this application process to cost each applicant approximately \$75.83.
2. It is not possible to estimate costs that an applicant could incur to ensure compliance the massage business requirements in accordance with 4 CSR 197-5.010.
3. The private entity cost for this proposed rule is estimated to be \$37,195.00 for the first year of implementation of the rule. Thereafter, the board is anticipating an annual growth rate of 5% massage therapy business applicants and estimates the total annual cost will be \$1,895.75 for the life of the rule. It is anticipated that the total aggregate cost per year will recur each year for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 197—Board of Therapeutic Massage
Chapter 5—Massage Therapy Business Requirements**

PROPOSED RULE

4 CSR 197-5.030 Massage Therapy Business—Change of Name, Ownership or Location

PURPOSE: This rule outlines the procedures for a change of name, ownership, or location for a business license.

(1) Change of a Massage Therapy Business Name.

(A) The massage therapy business owner shall notify the board of the proposed name change prior to changing the business name or before revising any printing materials or advertisements.

(B) A duplicate license fee shall be submitted to the board along with written notification of the change of name at least thirty (30) days prior to the proposed change.

(C) The license reflecting the name change shall replace the original license and be displayed in a conspicuous place on the premises of the licensed massage therapy business.

(D) No massage therapy business shall advertise massage therapy services or instruction which contain a false, fraudulent, misleading or deceptive statement or any form of sexual suggestiveness or explicit sexuality.

(2) Change of a Massage Therapy Business Address.

(A) The massage therapy business owner shall submit a new application and a new license will be obtained. The old license shall be voided.

(3) Change of Ownership.

(A) When a massage therapy business is sold or ownership or management is transferred, or the corporate legal organization status is substantially changed, the license of the massage therapy business shall be void and a new license obtained.

(B) A person applying for a change of ownership shall submit or cause to be submitted ninety (90) days prior to the effective date of the sale, transfer, or change in corporate status:

1. A completed notarized application and application fee; and
2. Two (2) sets of fingerprints and the fingerprinting fee.

(4) The board may issue a temporary operating permit to continue the operation of the massage therapy business for a period of up to ninety (90) days pending the survey inspection and the final disposition of the application. The temporary operating permit must be displayed in a conspicuous place on the premises of the massage therapy business.

(5) Refusal to permit a survey inspection, if required by the board, shall constitute valid grounds for discipline or denial.

AUTHORITY: sections 324.240, 324.245, 324.247, 324.250, 324.252, 324.255, 324.257, 324.260 and 324.262, RSMo Supp. 1999. Original rule filed Feb. 25, 2000.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions an estimated \$8,357 annually for the life of the rule. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.

PRIVATE COST: This proposed rule will cost private entities an estimated \$2,354.85 annually for the life of the rule. It is anticipated that the total aggregate cost per year will recur each year

for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Board of Therapeutic Massage, Donna Steinmetz, Executive Director, P.O. Box 1335, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. A public hearing on this proposed rule is scheduled for May 10, 2000 from 1:00–5:00 p.m. in Room 492 of the Harry S Truman State Office Building, 301 West High Street, Jefferson City, Missouri.

**Division of Professional Registration
FISCAL NOTE
PUBLIC ENTITY COST**

I. RULE NUMBER**Title:** 4 – Department of Economic Development**Division:** 197-Board of Therapeutic Massage**Chapter:** 5 – Business Therapy Business License Requirements**Type of Rulemaking:** Proposed Rule**Rule Number and Name:** 4 CSR 197-5.030 Massage Therapy Business – Change of Name, Ownership or Location

Prepared December 27, 1999 by the Board of Therapeutic Massage of the Department of Economic Development.

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Board of Therapeutic Massage	\$8,357.00

III. WORKSHEET

The costs for this rule are detailed in the table below and are based on the following assumptions:

- 1) Personal service costs are incurred for staff time to handle inquiries, correspondence, process massage therapy business change of name or ownership requests/applications, prepare meeting agendas, attend meetings of the board and to implement board/division directives.
- 2) Expense and equipment costs are incurred for meeting preparation and board expenses incurred for issuing and mailing duplicate massage therapy business licenses;
- 3) Transfers are costs incurred for board and staff support provided by the Division of Professional Registration (also includes data processing, survey inspections, cash receiving room and MIS) and costs incurred for services provided by agencies such as the Office of the Attorney General, Secretary of State and State Auditor.

Table 1 – Estimated Cost of Compliance by Category of Allocation

Category of Allocation	Licensure – 5%	Enforcement – 2%
Personal Service	\$1,858.00	\$495.00
Expense & Equipment	\$429.00	\$114.00
Transfers	\$4,311.00	\$1,150.00
TOTAL	\$6,598.00	\$1,759.00

IV. ASSUMPTIONS

In developing this fiscal note, the total public entity costs of the Board of Therapeutic Massage were determined by using allotment figures for personal service, expense and equipment, and

transfers based on actual costs incurred for a board of similar size. These annual costs will recur each year for the life of the rule; may vary with inflation; and are expected to increase annually at the rate projected by the Legislative Oversight Committee.

For the purpose of calculating the fiscal impact of the administrative rules, two major categories of board activity were identified: licensure and enforcement. The board estimates 60% of personal service, expense & equipment and transfer costs will be dedicated to the licensure effort and an estimated 40% of personal service, expense & equipment and transfer costs will be dedicated to the enforcement effort. Transfer costs also include rent and utilities. (See Table 2, 3 & 4)

Table 2— Allocation of Personal Service Dollars

Allotment	Percentage & Category	Dollar Amount
\$61,934.00	60% - Licensure	\$37,160.00
\$61,934.00	40% - Enforcement	\$24,774.00

Table 3— Allocation of Expense & Equipment Dollars

Allotment	Percentage & Category	Dollar Amount
\$14,298.00	60% - Licensure	\$8,579.00
\$14,298.00	40% - Enforcement	\$5,719.00

Table 4— Allocation of Transfer Dollars

Allotment	Percentage & Category	Dollar Amount
\$143,711.00	60% - Licensure	\$86,227.00
\$143,711.00	40% - Enforcement	\$57,484.00

In allocating costs, this proposed rule was reviewed to determine if the rule contained attributes of licensure and/or enforcement. It is estimated that 5% of the total time involving the administration of the proposed rule will be spent on licensure efforts and 2% of the time will spent on enforcement efforts. These percentages have been applied to personal service, expense & equipment and transfer dollars. (See Table 1)

**FISCAL NOTE
PRIVATE ENTITY COST****I. RULE NUMBER****Title:** 4 – Department of Economic Development**Division:** 197 - Division of Professional Registration - Board of Therapeutic Massage**Chapter:** 5 – Massage Business Requirements**Type of Rulemaking:** Proposed Rule**Rule Number and Name:** 4 CSR 197-5.030 Massage Business – Change of Name, Ownership or Location

Prepared December 27, 1999 by the Board of Therapeutic Massage of the Department of Economic Development

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimated cost of compliance with the rule by the affected entities:
15	Individuals with a change of business name (duplicate license fee)	\$75.00
15	Individuals with a change of business name (postage)	\$4.95
15	Individuals with a change of business address (application fee)	\$750.00
15	Individuals with a change of business address (fingerprinting fees)	\$345.00
15	Individuals with a change of business address (notary)	\$37.50
15	Individuals with a change of business address (postage)	\$4.95
5	Individuals with a change of ownership (application fee)	\$750.00
5	Individuals with a change of ownership (fingerprinting fees)	\$345.00
5	Individuals with a change of ownership (notary)	\$37.50
5	Individuals with a change of ownership (postage)	\$4.95
Total Annual Cost of Compliance for the Life of the Rule		\$2,354.85

III. WORKSHEET

Duplicate license fee @ \$5.00

Business license application fee @ \$50.00

Fingerprinting fee @ \$23.00

Notary @ \$2.50

Postage @ \$.33

IV. ASSUMPTIONS

1. The board estimates 3% of the massage businesses will have a change of business name; 3% will require a change of business address; and 1% will have a change of ownership. The board estimates a change of business name to cost approximately \$5.33; a change of business of address to cost approximately \$75.83; and a change of ownership to cost approximately \$75.83 .

2. The private entity cost for this proposed rule is estimated to be \$2,345.85 annually for the life of the rule. It is anticipated that the total aggregate cost per year will recur each year for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 197—Board of Therapeutic Massage
Chapter 5—Massage Therapy Business Requirements**

PROPOSED RULE

4 CSR 197-5.040 Massage Therapy Business License Renewal

PURPOSE: This rule outlines procedures for the renewal of a business license.

(1) A business license issued pursuant to section 324.250, RSMo shall be renewed on or before the expiration of the license by submitting the signed renewal application, renewal fee, and a statement of any changes in the information previously filed with the board in the original business license application.

(2) The massage therapy business shall be in compliance with the requirements outlined in the massage therapy business rules as evidenced by a survey inspection by the board within ninety (90) days prior to the renewal of the business license.

(3) Failure of a licensee to receive the notice and application to renew his/her license shall not excuse him/her from the requirements of section 324.250, RSMo to renew that license.

(4) Receipt of the application for renewal after the expiration date of the license shall cause the license to become not current and a business that continues to operate without a valid license shall be deemed to be operating in violation of sections 324.240 to 324.275, RSMo and subject to the penalties contained therein.

(5) Violation of any provision of this rule shall be deemed by the board to constitute misconduct, fraud, misrepresentation, dishonesty, unethical conduct or unprofessional conduct in the performance of the functions or duties of a massage therapist and the massage therapy business shall be deemed to have engaged in the unauthorized operation of a massage therapy business.

AUTHORITY: sections 324.245, 324.250, 324.255, 324.257, 324.260 and 324.262, RSMo Supp. 1999. Original rule filed Feb. 25, 2000.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions an estimated \$13,197 annually for the life of the rule. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.

PRIVATE COST: This proposed rule will cost private entities an estimated \$26,423.25 for the first year of implementation of the rule. Thereafter, the board is anticipating an increase in the number of massage therapy businesses by 50 per biennial renewal based on the assumptions detailed in 4 CSR 197-5.020. Therefore, the board estimates that the private entity cost to comply with this rule will be \$26,423.25 biennially with a continuous biennial increase of \$2,516.50 for the life of the rule. It is anticipated that the total cost will recur biennially for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Board of Therapeutic

Massage, Donna Steinmetz, Executive Director, P.O. Box 1335, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. A public hearing on this proposed rule is scheduled for May 10, 2000 from 1:00–5:00 p.m. in Room 492 of the Harry S Truman State Office Building, 301 West High Street, Jefferson City, Missouri.

Division of Professional Registration
FISCAL NOTE
PUBLIC ENTITY COST

V. RULE NUMBER

Title: 4 – Department of Economic Development

Division: 197-Board of Therapeutic Massage

Chapter: 5 – Massage Therapy Business License Requirements

Type of Rulemaking: Proposed Rule

Rule Number and Name: 4 CSR 197-5.040 Massage Therapy Business License Renewal

Prepared December 27, 1999 by the Board of Therapeutic Massage of the Department of Economic Development.

VI. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Board of Therapeutic Massage	\$13,197.00

VII. WORKSHEET

The costs for this rule are detailed in the table below and are based on the following assumptions:

- 4) Personal service costs are incurred for staff time to handle inquiries, correspondence, process massage therapy business renewal applications, prepare meeting agendas, attend meetings of the board and to implement board/division directives.
- 5) Expense and equipment costs are incurred for meeting preparation and board expenses incurred for issuing and mailing massage therapy business licenses;
- 6) Transfers are costs incurred for board and staff support provided by the Division of Professional Registration (also includes data processing, survey inspections, cash receiving room and MIS) and costs incurred for services provided by agencies such as the Office of the Attorney General, Secretary of State and State Auditor.

Table 1 – Estimated Cost of Compliance by Category of Allocation

Category of Allocation	Licensure – 10%	Enforcement – 0%
Personal Service	\$3,716.00	\$0
Expense & Equipment	\$858	\$0
Transfers	\$8,623.00	\$0
TOTAL	\$13,197.00	\$0

VIII. ASSUMPTIONS

In developing this fiscal note, the total public entity costs of the Board of Therapeutic Massage were determined by using allotment figures for personal service, expense and equipment, and transfers based on actual costs incurred for a board of similar size. These annual costs will recur

each year for the life of the rule; may vary with inflation; and are expected to increase annually at the rate projected by the Legislative Oversight Committee.

For the purpose of calculating the fiscal impact of the administrative rules, two major categories of board activity were identified: licensure and enforcement. The board estimates 60% of personal service, expense & equipment and transfer costs will be dedicated to the licensure effort and an estimated 40% of personal service, expense & equipment and transfer costs will be dedicated to the enforcement effort. Transfer costs also include rent and utilities. (See Table 2, 3 & 4)

Table 2— Allocation of Personal Service Dollars

Allotment	Percentage & Category	Dollar Amount
\$61,934.00	60% - Licensure	\$37,160.00
\$61,934.00	40% - Enforcement	\$24,774.00

Table 3— Allocation of Expense & Equipment Dollars

Allotment	Percentage & Category	Dollar Amount
\$14,298.00	60% - Licensure	\$8,579.00
\$14,298.00	40% - Enforcement	\$5,719.00

Table 4— Allocation of Transfer Dollars

Allotment	Percentage & Category	Dollar Amount
\$143,711.00	60% - Licensure	\$86,227.00
\$143,711.00	40% - Enforcement	\$57,484.00

In allocating costs, this proposed rule was reviewed to determine if the rule contained attributes of licensure and/or enforcement. It is estimated that 10% of the total time involving the administration of the proposed rule will be spent on licensure efforts and 0% of the time will be spent on enforcement efforts. These percentages have been applied to personal service, expense & equipment and transfer dollars. (See Table 1)

**FISCAL NOTE
PRIVATE ENTITY COST**

I. RULE NUMBER

Title: 4 – Department of Economic Development

Division: 197 - Division of Professional Registration - Board of Therapeutic Massage

Chapter: 5 – Massage Business Requirements

Type of Rulemaking: Proposed Rule

Rule Number and Name: 4 CSR 197-5.040 Massage Therapy Business License Renewal

Prepared December 27, 1999 by the Board of Therapeutic Massage of the Department of Economic Development

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimated cost of compliance with the rule by the affected entities:
525	Individuals (renewal fee)	\$26,250.00
525	Individuals (postage)	\$173.25

**Estimated Cost of Compliance for
the First Year of Implementation
of the Rule** **\$26,423.25**

**Estimated Annual Cost of
Compliance for the Life of the
Rule** **\$26,423.25 biennially with a
continuous biennial increase of
\$2,516.50**

III. WORKSHEET

Renewal fee @ \$50.00
Postage @ \$.33

IV. ASSUMPTIONS

1. The board anticipates five hundred twenty five (525) massage therapy businesses will apply for renewal during the first biennial renewal period based on the assumptions detailed in 4 CSR 197-5.020. The board estimates this registration process will cost each applicant approximately \$50.33 each renewal period.
2. The private entity cost for this proposed rule is estimated to be \$26,423.25 for the first year of implementation of the rule. Thereafter, the board is anticipating an increase in the number of massage therapy business by fifty (50) per biennial renewal based on the assumptions detailed in 4 CSR 197-5.020. Therefore, the board estimates that the private entity cost to comply with this rule will be \$26,423.25 biennially with a continuous biennial increase of \$2,516.50 for the life of the rule. It is anticipated that the total cost will recur biennially for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 197—Board of Therapeutic Massage
Chapter 6—Complaints and Investigations**

PROPOSED RULE

**4 CSR 197-6.010 Public Complaint Handling and Disposition
Procedure**

PURPOSE: This rule establishes a procedure for the receipt, handling and disposition of public complaints pursuant to the mandate of section 620.010.15(6), RSMo.

(1) The Division of Professional Registration/Board of Therapeutic Massage will receive and process each complaint made against any licensee, applicant or unlicensed individual or entity, in which the complaint alleges certain acts or practices which may constitute one (1) or more violations of the provisions of sections 324.240–324.275, RSMo. Any member of the public or the profession, or any federal, state or local official, may make and file a complaint with the Board of Therapeutic Massage. Complaints will be received from sources both within and without Missouri and processed in the same manner as those originating within Missouri. No member of the Board of Therapeutic Massage may file a complaint with the board while serving in that capacity, unless that member is excused from further deliberation or activity concerning the matters alleged within that complaint. The executive director or any division staff member may file a complaint pursuant to this rule in the same manner as any member of the public.

(2) Complaints shall be mailed or delivered to the following address: The Division of Professional Registration or the Board of Therapeutic Massage, P.O. Box 1335, Jefferson City, MO 65102. Complaints may be based upon personal knowledge or beliefs based on information received from other sources.

(3) All complaints shall be made in writing and shall fully identify the complainant by name and address. Oral or telephone communications will not be considered or processed as complaints. The person making these communications will be asked to file a written statement.

(4) The division will maintain each complaint received under this rule. The complaint file will contain a record of each complainant's name and address, and the subject(s) of the complaint; the date each complaint is received by the division; a brief statement of the complaint, including the name of any person injured or victimized by the alleged acts or practices; and the ultimate disposition of the complaint. This complaint file shall be a closed record of the division.

(5) Each complaint received under this rule shall be acknowledged in writing. The complainant shall be notified of the ultimate disposition of the complaint.

(6) This rule shall not be deemed to limit the board's authority to file a complaint with the Administrative Hearing Commission charging a licensee with any actionable conduct or violation. The complaint filed by the board need not be limited to the acts charged in a public complaint.

(7) The division/board interprets this rule, which is required by law, to exist for the benefit of those members of the public who submit complaints to the division/board. This rule does not create any cause of action for licensees against whom the division/board has instituted or may institute administrative or judicial proceed-

ings concerning possible violations of the provisions of sections 324.240–324.275, RSMo.

AUTHORITY: sections 324.245, 324.257, 324.260, 324.262, 324.275 and 620.010.15(6), RSMo Supp. 1999. Original rule filed Feb. 25, 2000.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions an estimated \$35,192 annually for the life of the rule. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.

PRIVATE COST: This proposed rule will not cost private entities more than \$500 in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Board of Therapeutic Massage, Donna Steinmetz, Executive Director, P.O. Box 1335, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. A public hearing on this proposed rule is scheduled for May 10, 2000 from 1:00–5:00 p.m. in Room 492 of the Harry S Truman State Office Building, 301 West High Street, Jefferson City, Missouri.

Division of Professional Registration
FISCAL NOTE
PUBLIC ENTITY COST

I. RULE NUMBER

Title: 4 – Department of Economic Development

Division: 197-Board of Therapeutic Massage

Chapter: 6 – Complaints and Investigations

Type of Rulemaking: Proposed Rule

Rule Number and Name: 4 CSR 197-6.010 Public Complaint Handling and Disposition Procedure

Prepared December 27, 1999 by the Board of Therapeutic Massage of the Department of Economic Development.

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Board of Therapeutic Massage	\$35,192.00

III. WORKSHEET

The costs for this rule are detailed in the table below and are based on the following assumptions:

- 1) Personal service costs are incurred for staff time to handle inquiries, correspondence, process complaints, prepare meeting agendas, attend meetings of the board and to implement board/division directives.
- 2) Expense and equipment costs are incurred for meeting preparation and board expenses incurred in monitoring complaints and conducting investigations;
- 3) Transfers are costs incurred for board and staff support provided by the Division of Professional Registration (also includes data processing, survey inspections, investigations and MIS) and costs incurred for services provided by agencies such as the Office of the Attorney General, Secretary of State and State Auditor.

Table 1 – Estimated Cost of Compliance by Category of Allocation

Category of Allocation	Licensure – 0%	Enforcement – 40%
Personal Service	\$0	\$9,910.00
Expense & Equipment	\$0	\$2,288.00
Transfers	\$0	\$22,994.00
TOTAL	\$0	\$35,192.00

IV. ASSUMPTIONS

In developing this fiscal note, the total public entity costs of the Board of Therapeutic Massage were determined by using allotment figures for personal service, expense and equipment, and

transfers based on actual costs incurred for a board of similar size. These annual costs will recur each year for the life of the rule; may vary with inflation; and are expected to increase annually at the rate projected by the Legislative Oversight Committee.

For the purpose of calculating the fiscal impact of the administrative rules, two major categories of board activity were identified: licensure and enforcement. The board estimates 60% of personal service, expense & equipment and transfer costs will be dedicated to the licensure effort and an estimated 40% of personal service, expense & equipment and transfer costs will be dedicated to the enforcement effort. Transfer costs also include rent and utilities. (See Table 2, 3 & 4)

Table 2– Allocation of Personal Service Dollars

Allotment	Percentage & Category	Dollar Amount
\$61,934.00	60% - Licensure	\$37,160.00
\$61,934.00	40% - Enforcement	\$24,774.00

Table 3– Allocation of Expense & Equipment Dollars

Allotment	Percentage & Category	Dollar Amount
\$14,298.00	60% - Licensure	\$8,579.00
\$14,298.00	40% - Enforcement	\$5,719.00

Table 4– Allocation of Transfer Dollars

Allotment	Percentage & Category	Dollar Amount
\$143,711.00	60% - Licensure	\$86,227.00
\$143,711.00	40% - Enforcement	\$57,484.00

In allocating costs, this proposed rule was reviewed to determine if the rule contained attributes of licensure and/or enforcement. It is estimated that 0% of the total time involving the administration of the proposed rule will be spent on licensure efforts and 40% of the time will spent on enforcement efforts. These percentages have been applied to personal service, expense & equipment and transfer dollars. (See Table 1)

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 197—Board of Therapeutic Massage
Chapter 6—Complaints and Investigations**

PROPOSED RULE

4 CSR 197-6.020 Investigation

PURPOSE: This rule outlines the procedures for conducting an investigation.

(1) Upon receipt of a complaint in proper form, the division/board may investigate the actions of the licensee, applicant or registrant against whom the complaint is made.

(2) In conducting an investigation, the division/board, in its discretion, may request the licensee, applicant or registrant under investigation to answer the charges made against him/her in writing and to produce relevant documentary evidence and may request him/her to appear before the division/board.

AUTHORITY: sections 324.245, 324.257, 324.260, 324.262, 324.275 and 620.010.15(6), RSMo Supp. 1999. Original rule filed Feb. 25, 2000.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions an estimated \$17,596 annually for the life of the rule. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.

PRIVATE COST: This proposed rule will not cost private entities more than \$500 in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: *Anyone may file a statement in support of or in opposition to this proposed rule with the Board of Therapeutic Massage, Donna Steinmetz, Executive Director, P.O. Box 1335, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. A public hearing on this proposed rule is scheduled for May 10, 2000 from 1:00–5:00 p.m. in Room 492 of the Harry S Truman State Office Building, 301 West High Street, Jefferson City, Missouri.*

**Division of Professional Registration
FISCAL NOTE
PUBLIC ENTITY COST**

I. RULE NUMBER**Title:** 4 – Department of Economic Development**Division:** 197-Board of Therapeutic Massage**Chapter:** 6 – Complaints and Investigations**Type of Rulemaking:** Proposed Rule**Rule Number and Name:** 4 CSR 197-6.020 Investigation

Prepared December 27, 1999 by the Board of Therapeutic Massage of the Department of Economic Development.

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Board of Therapeutic Massage	\$17,596.00

III. WORKSHEET

The costs for this rule are detailed in the table below and are based on the following assumptions:

- 1) Personal service costs are incurred for staff time to handle inquiries, correspondence, process complaints and investigative reports, prepare meeting agendas, attend meetings of the board and to implement board/division directives.
- 2) Expense and equipment costs are incurred for meeting preparation and board expenses in monitoring complaints and conducting investigations;
- 3) Transfers are costs incurred for board and staff support provided by the Division of Professional Registration (also includes data processing, cash receiving room survey inspections, investigations and MIS) and costs incurred for services provided by agencies such as the Office of the Attorney General, Secretary of State and State Auditor.

Table 1 – Estimated Cost of Compliance by Category of Allocation

Category of Allocation	Licensure – 0%	Enforcement – 20%
Personal Service	\$0	\$4,955.00
Expense & Equipment	\$0	\$1,144.00
Transfers	\$0	\$11,497.00
TOTAL	\$0	\$17,596.00

IV. ASSUMPTIONS

In developing this fiscal note, the total public entity costs of the Board of Therapeutic Massage were determined by using allotment figures for personal service, expense and equipment, and transfers based on actual costs incurred for a board of similar size. These annual costs will recur

each year for the life of the rule; may vary with inflation; and are expected to increase annually at the rate projected by the Legislative Oversight Committee.

For the purpose of calculating the fiscal impact of the administrative rules, two major categories of board activity were identified: licensure and enforcement. The board estimates 60% of personal service, expense & equipment and transfer costs will be dedicated to the licensure effort and an estimated 40% of personal service, expense & equipment and transfer costs will be dedicated to the enforcement effort. Transfer costs also include rent and utilities. (See Table 2, 3 & 4)

Table 2— Allocation of Personal Service Dollars

Allotment	Percentage & Category	Dollar Amount
\$61,934.00	60% - Licensure	\$37,160.00
\$61,934.00	40% - Enforcement	\$24,774.00

Table 3— Allocation of Expense & Equipment Dollars

Allotment	Percentage & Category	Dollar Amount
\$14,298.00	60% - Licensure	\$8,579.00
\$14,298.00	40% - Enforcement	\$5,719.00

Table 4— Allocation of Transfer Dollars

Allotment	Percentage & Category	Dollar Amount
\$143,711.00	60% - Licensure	\$86,227.00
\$143,711.00	40% - Enforcement	\$57,484.00

In allocating costs, this proposed rule was reviewed to determine if the rule contained attributes of licensure and/or enforcement. It is estimated that 0% of the total time involving the administration of the proposed rule will be spent on licensure efforts and 20% of the time will spent on enforcement efforts. These percentages have been applied to personal service, expense & equipment and transfer dollars. (See Table 1)

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 30—Office of the Director
Chapter 9—Operation Payback**

PROPOSED RULE

11 CSR 30-9.010 Definition

PURPOSE: This rule defines a crime tip organization as it applies under Operation Payback.

(1) "Crime tip organization" shall mean a Missouri, community-based partnership between the community, law enforcement and the media working together in the community's fight against crime by encouraging citizens via cash rewards and anonymity to provide law enforcement information leading to the arrest of criminals.

AUTHORITY: section 650.020, RSMo Supp. 1999. Emergency rule filed Feb. 28, 2000, effective March 9, 2000, expires Aug. 26, 2000. Original rule filed Feb. 28, 2000.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with Doug Shoemaker, Department of Public Safety, P.O. Box 749, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 30—Office of the Director
Chapter 9—Operation Payback**

PROPOSED RULE

11 CSR 30-9.020 Participation Eligibility Requirements

PURPOSE: This rule establishes the criteria for a crime tip organization to be registered with the Missouri Department of Public Safety and thus be eligible to request reimbursement funds through Operation Payback.

(1) To be registered with the Missouri Department of Public Safety, the crime tip organization must provide the Missouri Department of Public Safety, Office of the Director, the following information:

(A) A current list of all board members, which includes at least one representative of the community's municipal or county law enforcement agency;

(B) A copy of the crime tip organization's bylaws; and

(C) Information concerning the crime tip organization's federal tax identification number and a copy of documents of incorporation filed with the Missouri secretary of state.

AUTHORITY: section 650.020, RSMo Supp. 1999. Emergency rule filed Feb. 28, 2000, effective March 9, 2000, expires Aug. 26, 2000. Original rule filed Feb. 28, 2000.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with Doug Shoemaker, Department of Public Safety, P.O. Box 749, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 30—Office of the Director
Chapter 9—Operation Payback**

PROPOSED RULE

11 CSR 30-9.030 Reimbursement Criteria

PURPOSE: This rule establishes the criteria for a crime tip organization receiving reimbursement funds through Operation Payback.

(1) To be considered for reimbursement through Operation Payback, the requesting crime tip organization must be registered with the Missouri Department of Public Safety, Office of the Director.

(2) The crime tip organization must submit the following information with its request for reimbursement:

(A) The date each tip, for which reimbursement is requested, was provided to the crime tip organization;

(B) The date each informant was paid for a tip, for which reimbursement is requested;

(C) The total amount paid to the informant for each tip, for which reimbursement is requested;

(D) The number of arrests that resulted from each tip for which reimbursement is requested;

(E) The amount of methamphetamine seized as a result from each tip for which reimbursement is requested; and

(F) A copy of the report filed by the law enforcement agency making the arrest/seizure or a case number of the arrest/seizure.

(3) A crime tip organization requesting reimbursement funds through Operation Payback may be reimbursed up to two hundred fifty dollars (\$250) for each crime tip on methamphetamine. If a crime tip organization awards more than two hundred fifty dollars (\$250) for a tip on methamphetamine, it may only receive two hundred fifty dollars (\$250) in reimbursement funds. A crime tip organization may not receive in excess of five thousand dollars (\$5,000) during any state fiscal year.

(4) A crime tip organization registered under Operation Payback may only receive reimbursement funds for methamphetamine seizures within the state of Missouri.

AUTHORITY: section 650.020, RSMo Supp. 1999. Emergency rule filed Feb. 28, 2000, effective March 9, 2000, expires Aug. 26, 2000. Original rule filed Feb. 28, 2000.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with Doug Shoemaker, Department of Public Safety, P.O. Box 749, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 30—Office of the Director
Chapter 9—Operation Payback**

PROPOSED RULE

11 CSR 30-9.040 Operation Payback Restrictions

PURPOSE: This rule stipulates prohibited use of reimbursement funds through Operation Payback.

(1) Reimbursement funds through Operation Payback may only be utilized by crime tip organizations registered and approved through the Missouri Department of Public Safety, Office of the Director, and only for use of the registered crime tip organization as provided in section 650.020, RSMo.

(A) Crime tip organizations are not permitted to use Operation Payback funds to reimburse any law enforcement officer.

(B) Requests for reimbursement must only be for tips involving the sale or manufacture of methamphetamine that leads to a methamphetamine seizure.

AUTHORITY: section 650.020, RSMo Supp. 1999. Emergency rule filed Feb. 28, 2000, effective March 9, 2000, expires Aug. 26, 2000. Original rule filed Feb. 28, 2000.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with Doug Shoemaker, Department of Public Safety, P.O. Box 749, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 30—Office of the Director
Chapter 9—Operation Payback**

PROPOSED RULE

11 CSR 30-9.050 Organization Disqualification

PURPOSE: This rule establishes the criteria for which a crime tip organization may be removed from, or denied entry into, the Operation Payback program.

(1) A crime tip organization may be removed from participation in Operation Payback if it is determined they have provided false information to the Missouri Department of Public Safety, Office of the Director, in order to receive reimbursement funds. False information may include, but is not limited to:

(A) Indicating a higher amount of rewards granted than they actually provided; or

(B) Providing false information regarding seizures of methamphetamine or methamphetamine arrests; or

(C) Using Operation Payback funds to pay law enforcement officers.

(2) A crime tip organization may be denied entry into Operation Payback by the Missouri Department of Public Safety, Office of the Director, for the following reasons:

(A) The crime tip organization refuses or is unable to provide the information required in order to be registered with the Missouri Department of Public Safety, Office of the Director; or

(B) It is determined the crime tip organization has provided false information to the Missouri Department of Public Safety, Office of the Director.

AUTHORITY: section 650.020, RSMo Supp. 1999. Emergency rule filed Feb. 28, 2000, effective March 9, 2000, expires Aug. 26, 2000. Original rule filed Feb. 28, 2000.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with Doug Shoemaker, Department of Public Safety, P.O. Box 749, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 5—Conduct of Gaming**

PROPOSED AMENDMENT

11 CSR 45-5.053 Policies. The commission proposes to amend subsection (4)(D).

PURPOSE: This amendment gives the commission the discretion to permit certain devices that assist patrons in playing gambling games.

(4) No person shall use, or possess with the intent to use, any calculator, computer or other electronic, electrical or mechanical device at any table game that—

(D) Keeps track of playing strategies being utilized, **except as permitted by the commission.**

AUTHORITY: sections 313.004 and 313.805, RSMo 1994 and 313.807, RSMo [Supp. 1997] Supp. 1999. Original rule filed Feb. 19, 1998, effective Aug. 30, 1998. Amended: Filed May 13, 1998, effective Jan. 30, 1999. Amended: Filed March 1, 2000.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Gaming Commission, P.O. Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. A public hearing is scheduled for 2:00 p.m., on May 5, 2000, at the Missouri Gaming Commission, 3417 Knipp Drive, Jefferson City, Missouri.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 17—Voluntary Exclusions**

PROPOSED AMENDMENT

11 CSR 45-17.030 Procedure for Entry of Names onto List of Disassociated Persons. The commission proposes to amend section (2) of the rule.

PURPOSE: This rule changes procedures for entry of names onto the List of Disassociated Persons.

(2) The director shall deliver a copy of the Notice of Placement on the List of Disassociated Persons to the applicant via *[certified mail at the home address listed in the application, unless otherwise requested by the applicant. If certified mail delivery is unsuccessful, the director shall send the notice via]* regular U.S. mail to the home address contained on the application. The applicant is deemed to be placed on the List of Disassociated Persons at the time the person executes the application for placement on the List of Disassociated Persons, not at the time such notice is delivered to the applicant.

AUTHORITY: sections 313.004 and 313.805, RSMo 1994. Original rule filed April 18, 1996, effective Dec. 30, 1996. Emergency amendment filed Aug. 28, 1998, effective Sept. 7, 1998, expired March 5, 1999. Amended: Filed Aug. 28, 1998, effective March 30, 1999. Amended: Filed March 1, 2000.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Gaming Commission, P.O. Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. A public hearing is scheduled for 2:00 p.m. on May 5, 2000, at the Missouri Gaming Commission, 3417 Knipp Drive, Jefferson City, Missouri.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 75—Peace Officer Standards and Training
Program
Chapter 3—Certification of Bailiffs, Peace Officers,
and Reserve Officers**

PROPOSED AMENDMENT

11 CSR 75-3.030 Requirements for and Terms of Certification. The commission is amending subsections (1)(C) and (1)(E).

PURPOSE: This rule is deleting a requirement that no longer pertains to a peace officer's certification, but adding a new requirement that each peace officer will have to pass a certification exam.

(1) Requirements for Certification.

(C) *[The director or his/her designated representatives may require the passing of a qualifying examination as a condition of certification. Trainees who fail to pass the examination may apply for reexamination no less than thirty (30) days after notification of failure. Trainees also may be required to take supplementary or remedial training before being permitted to retake the examination. Trainees*

who fail after three (3) attempts to pass the qualifying examination shall repeat the basic training course and pass the qualifying examination in order to become certified. On or after January 1, 1998, the director or his/her designate may require that trainees graduating from a POST certified training center shall pass the Missouri Certification Examination to become certified.] On or after January 1, 1998, the director may require that all individuals graduating from a POST certified training course of four hundred and seventy (470) hours or more, and all individuals participating in the reciprocity process as is outlined in paragraphs (1)(E)6. through (1)(E)9. of this section, shall be required to pass the Missouri Peace Officer Certification Examination to become certified to be commissioned as peace officers. Individuals must pass the certification examination with a minimum score of seventy percent (70%) as a condition of certification. Individuals who fail to pass the examination may apply for reexamination by POST or its designated representative within thirty (30) days after notification of failure. If an individual fails the examination a second time, such person must contact POST no less than thirty (30) days after notification of failure and schedule a time to take the examination a third time. If an individual fails the examination for a third time, or fails to reschedule within the thirty (30)-day time frame to retake the examination, such person must wait one year from the date of the last examination. An individual may take the examination no more than three (3) times in any one (1)-year period, unless the individual completes a basic training course of four hundred and seventy (470) hours or more within this one (1)-year period. The Department of Public Safety may charge individuals taking the examination a fee each time that they take the Missouri Peace Officer Certification Examination.

(E) On or after August 28, 1996, individuals graduating from a POST certified training center and meeting the certification requirements of sections 590.100–590.180, RSMo, shall be issued certification to be eligible for employment as a Missouri peace officer.

1. Starting August 28, 1996, the training center director shall insure that each individual entering a basic training course meets the POST mandated training center entry requirements. The training center director shall complete a POST Certification/Information Form (I-1T), on each student attending basic training, and attach the following:

- A. The results of a criminal background check by the Missouri State Highway Patrol and from the state of residency;
- B. Proof of United States citizenship;
- C. A copy of high school diploma or its equivalent; and
- D. Proof that the applicant is at least eighteen (18) years of age at the beginning of the basic training course.

2. Applicant must be twenty-one (21) years of age at the time certification is issued. If the period of time from training center graduation and his/her twenty-first birthday is greater than ninety (90) days then a criminal background check by the Missouri State Highway Patrol will need to be submitted to the Department of Public Safety before certification will be granted.

3. If the individual has a criminal history or the training center director has information that the applicant has committed gross misconduct indicating inability to function as a peace officer, POST approval must be obtained before the applicant may attend the basic training course. Any denial of entry to a POST certified training center shall be in accordance with section 590.135, RSMo.

4. Within thirty-five (35) days prior to the completion of the basic training course the completed Certification/Information Form and supporting documentation will be sent to POST by the training center director. Late applicants shall not be issued certification until the completed Certification/Information/*all* Form and supporting documentation is received and processed by POST. The

training center director shall advise the late applicant before admission, in writing, that if the applicant has committed acts in violation of section 590.135, RSMo, s/he shall be dismissed from the academy and/or shall not be certified by POST.

5. The graduate will receive the POST Certification Certificate upon successful completion of the basic training course. The certificate will be distributed by the training center director. The training center director shall return to POST all POST Certification Certificates of those individuals not graduating.

6. Individuals other than recruits in training centers shall apply directly to the POST Program for certification using the POST Certification Information Form 1-R (see 11 CSR 75-1.010), that is, officers seeking reciprocity from other states, federal law enforcement officers seeking Missouri certification, Missouri certified peace officers seeking a higher level of certification, or officers whose certification has expired applying for peace officer certification.

7. These officers must successfully pass the Missouri **Peace Officer Certification Examination in accordance with the requirements outlined in subsection (1)(C) of this rule** to become certified peace officers. Eligibility for examination shall be based on comparable pre-employment education as determined by points given for hours of basic training, years of service as a full-time certified peace officer or federal law enforcement officer, advanced degrees, or hours of documented law enforcement continuing education. Ten to fifteen (10-15) points allows a candidate to take the examination and upon passing same becomes certified. Sixteen (16) points or more allows a candidate to take the examination and upon passing, the candidate would become certified for employment in first class charter counties.

8. Candidates who do not have one (1) year of continuous service as a full-time certified peace officer or federal law enforcement officer, or who have less than one hundred twenty (120) hours of basic training are not eligible for examination. Candidates who do not have one (1) year of continuous service as a full-time certified peace officer, but have had significant experience as a certified reserve officer, may appeal to the commission for eligibility of examination, however, no points shall be awarded for years of experience. Candidates trained and certified at less than three hundred (300) hours, after August 28, 1994, or four hundred and seventy (470) hours, after August 28, 1996, shall not be eligible for examination. For the purposes of this rule, the terms defined have the following meanings given to them:

A. "Basic training" means training recognized by a state council, state commission, state board, or state agency that leads to licensing or basic certification as a peace officer, or any portion of a basic recruit training course recognized by the federal government for its law enforcement officers, which falls within the core curricula areas of the Missouri four hundred seventy (470)-hour or six hundred (600)-hour basic training course;

B. "Years of experience" means the total number of years the applicant has been employed as a peace officer or federal law enforcement officer, including at least one (1) year of continuous employment as a peace officer or federal law enforcement officer, and who has not had a peace officer certification, license, or the federal equivalent suspended or revoked;

C. "Advanced degree" means an academic degree including: associate's degree, bachelor's degree, master's degree and doctorate, awarded by an accredited college or university; and

D. "Continuing education" means properly documented training which occurs after employment, used to refresh, expand or supplant basic training.

9. Eligibility for examination is determined by the number of points as follows:

- A. Basic training—
 - 120 hours to 299 hours of basic training, 3 points
 - 300 hours to 469 hours of basic training, 5 points

- 470 hours to 599 hours of basic training, 8 points
 - 600 hours or more of basic training, 14 points

B. Years of experience—

- 1 year and 1 day to 3 years experience, 2 points
 - 3 years and 1 day to 4 years experience, 3 points
 - 4 years and 1 day to 5 years experience, 4 points
 - 5 years and 1 day to 10 years experience, 5 points
 - 10 years and 1 day to 15 years experience, 6 points
 - 15 years and 1 day to 20 years experience, 7 points
 - 20 years and 1 day or more experience, 8 points

C. Advanced degree—

- Associate's degree, 1 point
 - Bachelor's degree, 2 points
 - Master's degree, 3 points
 - Doctorate degree, 4 points

D. Continuing education—

- Achieved 16 continuing education hours for each calendar year of service, 1 point
 - Achieved 32 continuing education hours for each calendar year of service, 2 points.

E. Additional training—

- Graduate of the Federal Bureau of Investigation (FBI) National Academy or its equivalent as determined by the director for every 100 contact /training hours, 1 point.

[10. Candidates eligible for examination shall be required to pass the Missouri Certification Examination and any associated practical exercises, as a condition for certification. Candidates who fail to pass the examination may apply for re-examination after no less than thirty (30) days from notification of failure.

11. Candidates who fail the examination three (3) times shall be required to complete an applicable certified basic training course and pass the examination to become certified.]

AUTHORITY: sections 590.120 and 590.135, RSMo [Supp. 1997] Supp. 1999. Original rule filed Aug. 12, 1980, effective Nov. 13, 1980. For intervening history, please consult the Code of State Regulations. Amended: Filed Nov. 15, 1999. Amended: Filed Feb. 9, 2000.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Chris Egbert, POST Program, Missouri Department of Public Safety, P.O. Box 749, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 13—DEPARTMENT OF SOCIAL SERVICES

Division 15—Division of Aging

Chapter 15—Residential Care Facilities I and II

PROPOSED AMENDMENT

13 CSR 15-15.022 Fire Safety Standards for New and Existing Residential Care Facilities I and II. The division proposes to amend the entire rule by deleting current sections (1) through (64) and replacing them with section (1), subsections (A)–(G); section (2), subsections (A)–(D); section (3), subsections (A)–(D); section (4), subsections (A)–(H); section (5), subsections (A)–(H); section

(6), subsections (A)–(C); section (7), subsections (A)–(M); section (8), subsections (A)–(K); section (9), subsections (A)–(F); section (10), subsections (A)–(C); section (11), subsections (A)–(D); section (12), subsections (A)–(C); and section (13), subsections (A)–(E).

PURPOSE: This rule is being amended by reformatting the existing sections into topical sections and subsections for clarity and ease of reference. Amendments include the following: clarifying the distinction between existing licensed facility and newly licensed facility; updating requirements to the applicable edition of the appropriate National Fire Protection Association (NFPA) code; updating the requirements for fire extinguishers; requiring range hood extinguishing systems to be inspected and certified annually; updating record keeping requirements for fire drills and emergency preparedness procedures; complying with **Life Safety Code** for directional indicators; including construction, storage and hazardous area exceptions for facilities with complete sprinkler systems; adding fire alarm system requirements under section (7), subsections (E), (K) and (M); adding sprinkler system requirements under section (9), subsections (E) and (G); adding requirements for facilities with atriums; and making grammatical and wording changes necessary due to reformatting as well as to clarify the intent and meaning of the fire safety standards for new and existing residential care facilities I and II.

PUBLISHER'S NOTE: The publication of the full text of the material that the adopting agency has incorporated by reference in this rule would be unduly cumbersome or expensive. Therefore, the full text of that material will be made available to any interested person at both the Office of the Secretary of State and the office of the adopting agency, pursuant to section 536.031.4, RSMo. Such material will be provided at the cost established by state law.

PUBLISHER'S NOTE: All rules relating to long-term care facilities licensed by the Division of Aging are followed by a Roman Numeral notation which refers to the class (either class I, II or III) of standard as designated in section 198.085.1, RSMo. [1986] Supp. 1999.

[(1) Fire extinguishers shall be provided at a minimum of one (1) per floor, so that there is no more than a one hundred-feet (100') travel distance from any point on that floor to an extinguisher. I/II

(2) All new or replacement portable fire extinguishers shall be ABC-type extinguishers. II

(3) There shall be an extinguisher of at least ten (10) pounds dry powder, or the equivalent, in or immediately adjacent to hazardous areas. II

(4) There shall be an extinguisher of at least five (5) pounds dry powder or the equivalent in other areas. II

(5) Every fire extinguisher shall bear the label of the Underwriters' Laboratories (UL) of the Factory Mutual (FM) Laboratories and the extinguisher, its installation, maintenance and use shall comply with National Fire Protection Association (NFPA) Pamphlet No. 10 (1978). This includes the documentation and dating of a monthly check of pressure. II/III

(6) All newly licensed facilities with a kitchen that serves a total of more than twenty-one (21) licensed beds whose application was filed after July 11, 1980 shall be provided with a range hood and an approved automatic class BC- or ABC-range hood extinguishing system which shall have the capacity of being manually operated, unless there is an

approved sprinkler system. The extinguishing system shall be installed and maintained in accordance with NFPA 96. II/III

(7) Existing facilities, either licensed or whose application for license was filed prior to July 11, 1980, or those facilities with fewer than twenty-one (21) beds, shall provide either an approved automatic class BC- or ABC-range hood extinguishing system which shall have the capability of being manually operated and which has been properly installed and maintained with at least an annual check or a portable BC- or ABC-fire extinguisher of at least ten (10) pounds dry powder or the equivalent in the kitchen area. II/III

(8) All facilities shall notify the Division of Aging immediately if there is a fire involving death or harm to a resident requiring medical attention by a physician or substantial damage to the facility. The division shall be notified in writing within seven (7) days in case of any other fire, regardless of the size of the fire or the loss involved. II/III

(9) All facilities shall develop a written plan for fire drills and evacuation and shall request consultation and assistance annually from a local fire unit. II/III

(10) The plan shall include, as a minimum, written instructions for evacuation of each floor and floor plan indicating the location of exits, fire alarm pull stations and fire extinguishers. II/III

(11) The written plan shall show the location of any additional water sources on the property such as cisterns, wells, lagoons, ponds or creeks. III

(12) The plan shall provide for the safety and comfort of residents evacuated. III

(13) The written plan and evacuation diagram shall be posted on each floor in a conspicuous place so that employees and residents can become familiar with the plan and routes to safety. II/III

(14) A minimum of twelve (12) fire drills shall be conducted annually with at least one (1) every three (3) months on each shift. The staff shall be trained on how to proceed in the event of a fire, that is, who to call, how to evacuate injured residents, which residents may need to be awakened and may need special assistance and how to operate fire extinguishing equipment. The fire drill shall include resident evacuation at least once a year, preferably on the night shift. II/III

(15) A record shall be kept of all fire drills with the time, date, personnel participating and special problems. III

(16) Each floor of a facility shall have at least two (2) unobstructed exits remote from each other. I/II

(A) For a facility whose plans are approved or which was initially licensed before December 31, 1987 or a facility licensed for twenty (20) or fewer residents, one (1) of the required exits from a multi-story facility shall be an outside stairway or an enclosed stair that is separated by one (1)-hour rated construction from each floor with an exit leading directly to the outside at grade level. Existing plaster or gypsum board of at least one-half inch (1/2") thickness may be considered equivalent to one (1)-hour rated construction. The other required exit may be an interior stair leading through corridors or passageways to the outside.

Neither of the required exits shall lead through a furnace or boiler room. Neither of the required exits shall be through a resident's bedroom, unless the bedroom door cannot be locked. I/II

(B) For a facility whose plans are approved or which is initially licensed after December 31, 1987 for more than twenty (20) residents, the required exits shall be doors leading directly outside, one (1)-hour enclosed stairs or outside stairs. The one (1)-hour enclosed stairs shall exit directly outside at grade. Access to these shall not be through a resident bedroom or a hazardous area. I/II

(17) In facilities whose plans are approved or which are initially licensed after December 31, 1987, no door to a resident-use room shall be more than one hundred feet (100') from an exit and dead-end corridors shall not exceed thirty feet (30'). II

(18) Outside stairways shall be constructed to support residents during evacuation, shall be continuous to the ground level and shall not be equipped with a counter-balanced device. They shall be protected or cleared of ice and snow. II/III

(19) Facilities with three (3) or more floors shall comply with Chapter 320, RSMo which requires outside stairways to be constructed of iron or steel. II

(20) Newly constructed fire escapes whether interior or exterior shall be thirty-six inches (36") wide, shall have eight-inch (8") maximum risers, nine-inch (9") minimum tread, no winders, maximum height between landings of twelve feet (12'), minimum dimensions of landings of forty-four inches (44"), landings at each exit door, handrails on both sides and be of sturdy construction using at least two-inch (2") lumber. Exit doors to newly constructed fire escapes shall be at least thirty-six inches (36") wide and the door shall swing outward. II/III

(21) All stairways and corridors shall be easily negotiable and shall be maintained free of obstructions. II

(22) If it is necessary to lock exit doors or resident room doors, the locks shall be of a type that can be released from the inside by a simple act that does not require a key. Only one (1) lock shall be permitted on each door. II

(23) Signs bearing the word EXIT in plain, legible letters shall be placed at each required exit, except at doors directly from rooms to exit passageways or corridors. II

(24) Additional signs shall be placed in corridors and passageways whenever necessary to indicate the direction of the exit. Letters of all exit signs shall be at least six inches (6") high and three-fourths of an inch (3/4") wide, except that letters of internally illuminated exit signs shall not be less than four and one-half inches (4 1/2") high. III

(25) All required exit and directional signs shall be positioned so that they are illuminated by both normal and emergency lighting. II/III

(26) All residential care facilities II and residential care facilities I licensed for more than twenty (20) residents or any facilities with more than one (1) structure on the premises housing residents shall be equipped with a complete fire alarm system. A complete fire alarm system will not be required for facilities licensed prior to July 11, 1980

if the facility has a sprinkler system installed and maintained in accordance with NFPA 13 (1976). II

(27) The fire alarm system shall be an electrically supervised system with standby emergency power installed and maintained in accordance with NFPA 72A (1975). II

(28) As a minimum, it shall consist of a manual pull station at or near each attendant's station and required exit, smoke detectors located no more than thirty feet (30') apart in the corridors or passageways with no point in the corridor or passageway more than fifteen feet (15') from a detector and no point in the building more than thirty feet (30') from a detector. In existing residential care facilities, smoke detectors every fifty feet (50') will be acceptable. The smoke detectors will not be required in existing facilities if a complete heat detector system, interconnected to the fire alarm system, is provided in every space throughout the facility; audible signal(s) can be heard throughout the building; and a main panel interconnects all alarm-activating devices and audible signals. II

(29) Every fire alarm system shall be tested at least once a month. II

(30) A record of these tests shall be maintained. III

(31) Any fault shall be corrected promptly upon discovery. I/II

(32) Residential care facilities I licensed for twenty (20) or fewer residents shall be equipped with a complete automatic fire alarm system or individual home-type detectors. The individual home-type detectors shall be UL-approved battery-powered detectors which sense smoke and automatically sound an alarm which can be heard throughout the facility. If individual home-type detectors are being used, there shall be one (1) detector per resident-use room, in corridors and stairwells and in any hazardous area other than the kitchen where either a smoke or heat detector may be used. I/II

(33) Detectors shall be tested monthly and batteries shall be changed as needed. I/II

(34) A record shall be kept of the dates of testing and the changing of batteries. III

(35) In newly licensed residential care facilities I and II licensed for more than twelve (12) residents, hazardous areas shall be separated by construction of at least a one (1)-hour fire-resistant rating. Facilities equipped with a complete automatic fire alarm system, not individual home-type detectors, the one (1)-hour fire separation is required only for furnace or boiler rooms. Doors to hazardous areas shall be self-closing and shall be kept closed unless an electromagnetic hold-open device is used which is interconnected with the fire alarm system. II

(36) The storage of unnecessary combustible materials in any part of a building in which a licensed facility is located is prohibited. II

(37) Space under stairways shall not be used for storage of combustible materials. II/III

(38) No section of the building shall present a fire hazard. The Division of Aging shall have the right of inspection of any portion of a building in which a licensed facility is

located unless the unlicensed portion is separated by two (2)-hour fire-resistant construction. II

(39) Electric or gas clothes dryers shall be vented to the outside. Lint traps shall be cleaned regularly. II/III

(40) In newly licensed residential care facilities II, each floor shall be separated by construction of at least a one (1)-hour fire-resistant rating. Doors between floors must be solid core wood doors and a minimum of one and three-fourths inches (1 3/4") thick. II

(41) In existing licensed residential care facilities I and II and newly licensed multi-storied residential care facilities I, there shall be a smoke separation barrier between the floors of resident-use areas and any floor below the resident-use area. This shall consist of, at a minimum, a solid core wood door at the top or the bottom of the stairs. There shall not be a transom above the door that would permit the passage of smoke. II

(42) All doors providing separation between floors shall have a self-closing device attached. If the doors are to be held open, electromagnetic hold-open devices shall be used that are interconnected with either a smoke alarm or other fire extinguishment or alarm systems in the building if sensitive to smoke. II

(43) In facilities whose plans are approved or which are initially licensed after December 31, 1987 for more than twenty (20) residents, each floor used for resident bedrooms shall be divided into at least two (2) smoke sections by one(1)-hour rated smoke stop partitions. No smoke section shall exceed one hundred fifty feet (150') in length. If, however, the length (or width) of a floor does not exceed seventy-five feet (75'), no smoke-stop partitions are required. Openings in smoke-stop partitions shall be protected by solid core doors equipped with closers and magnetic hold-open devices. Any duct work passing through this smoke wall shall be equipped with automatic resetting smoking dampers that are activated by the fire alarm system. Smoke partitions shall extend from outside wall-to-outside wall and from floor-to-floor or floor-to-roof deck. II

(44) All residential care facilities II that are not of fire-resistant construction which house any residents above the second floor shall be provided throughout with an automatic sprinkler system installed and maintained according to NFPA 13. Residential care facilities I that are not of fire-resistant construction and which house residents above the third floor shall be provided throughout with an automatic sprinkler system installed and maintained according to NFPA 13 or 13D. Those facilities licensed prior to July 11, 1983 will be allowed until November 11, 1985 to install the sprinkler system. I/II For the purpose of this section, fire-resistant construction is defined as that type of construction in which bearing walls, columns and floors are of non-combustible material and all bearing walls, floors and roofs shall have a minimum of a one (1)-hour fire-resistant rating.

(45) Facilities whose plans are approved or which are initially licensed after December 31, 1987 for more than twenty (20) residents shall be completely sprinklered if they are not of fire-resistant construction and if they are over one (1) story. One (1) story facilities shall be completely sprinklered unless all combustible structural members are provided with one (1)-hour fire-rated protection.

One-half inch (1/2") gypsum board or plaster is considered equivalent to one (1)-hour protection. The sprinkler system shall comply with either NFPA 13 or NFPA 13D (Standards for the Installation of Sprinkler Systems in One and Two Family Dwellings and Mobile Homes). I/II

(46) Facilities whose plans are approved or which are initially licensed after December 31, 1987 for more than twenty (20) residents which are unsprinklered shall have one (1)-hour rated corridor walls with one and three-quarters inch (1 3/4") solid core doors. II

(47) If two (2) or more levels of long-term care or two (2) different businesses are located in the same building, the entire facility shall meet either the most strict construction and fire safety standards for the combined facility or the facilities shall be separated from the other(s) by two (2)-hour fire-resistant construction. II

(48) Emergency lighting of sufficient intensity to provide for safety shall be provided for exits, stairs, resident corridors and attendant's station. II

(49) The lighting shall be supplied by an emergency service, an automatic emergency generator or battery lighting system. This emergency lighting system shall be equipped with an automatic transfer switch. II

(50) In an existing licensed facility, if battery lights are used, they shall be wet cell units or other rechargeable-type batteries that shall be capable of operating the light for at least one and one-half (1 1/2) hours. Emergency lights in newly licensed facilities and all replacement lights shall be four (4)-hour rated and shall be UL-approved. II

(51) All facilities shall have an annual inspection and written certification of the fire alarm system and sprinkler system by an approved, qualified electrical or service representative. II/III

(52) In a newly licensed facility licensed for more than twelve (12) residents, wall and ceiling surfaces of all occupied rooms and all exit ways shall be of a material or so treated as not to have a flame-spread classification of more than seventy-five (75) according to the method of the Fire Hazard Classification of Building Materials of Underwriters Laboratories, Inc. II

(53) In existing licensed facilities, all wall and ceiling surfaces shall be smooth and free of highly combustible materials. II

(54) Only metal or UL- or FM-fire-resistant rated wastebaskets shall be used for trash. II

(55) In a newly licensed facility licensed for more than twelve (12) residents, or if new floor covering or carpeting is installed in an existing licensed facility for more than twelve (12) residents, the floor covering and carpeting shall be Class I nonsprinklered buildings and Class II in sprinklered buildings. Class I has a critical radiant flux of .45 or more watts per square centimeter when tested according to NFPA-253. Class II has a critical radiant flux of .22 or more watts per square centimeter when tested according to NFPA-253. II/III

(56) In a newly licensed facility or if curtains or drapes are installed in an existing licensed facility, the curtains and drapes shall be certified or treated to be flame-resistant. II

(57) *Smoking shall not be permitted in sleeping quarters except at that time as direct supervision is provided. Areas where smoking is permitted shall be designated as such and shall be supervised either directly or by a resident informing an employee of the facility that the area is being used for smoking. II/III*

(58) *The facility shall maintain the exterior premises in a manner as to provide for fire safety. II*

(59) *Trash shall be removed from the premises as often as necessary to prevent fire hazards and public health nuisance. II*

(60) *No trash shall be burned within fifty feet (50') of any facility except in an approved incinerator. I/II*

(61) *Trash may be burned only in a masonry or metal container. II*

(62) *The container shall be equipped with a metal cover with openings no larger than one-half inch (1/2") in size. III*

(63) *If a ramp is required (see 13 CSR 15-15.042(25), the ramp shall have a maximum slope of one to twelve (1:12) leading to grade. II/III*

(64) *Residential care facilities I with an asleep night attendant shall have appropriate assistive devices to enable each deaf person to negotiate a path to safety, including, but not limited to, visual or tactile alarm systems for any deaf residents, when the facility accepts a deaf resident. II/III*

(1) General Requirements.

(A) All National Fire Protection Association (NFPA) codes and standards cited in this rule are incorporated by reference in this rule with regard to the minimum fire safety standards for residential care facilities I and II.

(B) For the purpose of this rule, fire-resistant construction is defined as that type of construction in which bearing walls, columns and floors are of noncombustible material and all bearing walls, floors and roofs shall have a minimum of a one (1)-hour fire-resistant rating.

(C) All licensed facilities shall meet and maintain the facility in accordance with the fire safety standards in effect at the time of initial licensing, unless there is a specific requirement cited in this rule. I/II

(D) All facilities shall notify the Division of Aging immediately if there is a fire involving death or harm to a resident requiring medical attention by a physician or substantial damage to the facility. The division shall be notified in writing within seven (7) days in case of any other fire, regardless of the size of the fire or the loss involved. II/III

(E) The Division of Aging shall have the right of inspection of any portion of a building in which a licensed facility is located unless the unlicensed portion is separated by two (2)-hour fire-resistant construction. No section of the building shall present a fire hazard. I/II

(F) The facility shall maintain the exterior premises in a manner as to provide for fire safety. II

(G) When the facility accepts residents who are deaf, residential care facilities I with an asleep night attendant shall have appropriate assistive devices to enable each deaf person to negotiate a path to safety, including, but not limited to, visual or tactile alarm systems. I/II

(2) Fire Extinguishers.

(A) Fire extinguishers shall be provided at a minimum of one (1) per floor, so that there is no more than one hundred feet (100') travel distance from any point on that floor to an extinguisher. I/II

(B) All new or replacement portable fire extinguishers shall be ABC-type extinguishers, in accordance with the provisions of the 1994 National Fire Protection Association (NFPA) 10, *Standard for Portable Fire Extinguishers*. II

(C) Fire extinguishers shall have a rating of at least:

1. Ten (10) pounds, or the equivalent, in or within fifteen feet (15') of hazardous areas as defined in 13 CSR 15-11; and
2. Five (5) pounds or the equivalent in other areas. II

(D) Every fire extinguisher shall bear the label of the Underwriters' Laboratories (UL) or the Factory Mutual (FM) Laboratories and the extinguisher, its installation, maintenance and use shall comply with the provisions of the 1994 edition of the NFPA 10. This includes the documentation and dating of a monthly pressure check. II/III

(3) Range Hood Extinguishing Systems.

(A) In facilities licensed on or before July 11, 1980, or in any facility with fewer than twenty-one (21) beds, the kitchen shall provide either:

1. An approved automatic range hood extinguishing system properly installed and maintained in accordance with the 1994 NFPA 96, *Standard on Ventilation Control and Fire Protection of Commercial Cooking Operations*; or

2. A portable fire extinguisher of at least ten (10) pounds, or the equivalent, in the kitchen area in accordance with the 1994 NFPA 10. II/III

(B) In licensed facilities with a total of twenty-one (21) or more licensed beds and whose application was filed after July 11, 1980 and prior to October 1, 2000:

1. The kitchen shall be provided with a range hood and an approved automatic range hood extinguishing system;

2. The range hood extinguishing system shall have the capacity of being manually operated, unless there is an approved sprinkler system; and

3. The extinguishing system shall be installed and maintained in accordance with the applicable edition of NFPA 96. II/III

(C) Facilities licensed on or after October 1, 2000, shall not be required to install and maintain range hood extinguishing systems since facilities shall be required to have complete sprinkler systems; however, if facilities have range hood extinguishing systems, they shall comply with the provisions of the 1994 NFPA 96. II/III

(D) The range hood and its extinguishing system shall be inspected and certified at least annually. II/III

(4) Fire Drills.

(A) All facilities shall develop a written plan for fire drills and evacuation and shall request consultation and assistance annually from a local fire unit. II/III

(B) The plan shall include, as a minimum, written instructions for evacuation of each floor and floor plan indicating the location of exits, fire alarm pull stations and fire extinguishers. II/III

(C) The written plan shall show the location of any additional water sources on the property such as cisterns, wells, lagoons, ponds or creeks. III

(D) The evacuation plan shall include procedures for the safety and comfort of residents evacuated. III

(E) The written plan and evacuation diagram shall be posted on each floor in a conspicuous place so that employees and residents can become familiar with the plan and routes to safety. II/III

(F) A minimum of twelve (12) fire drills shall be conducted annually with at least one (1) every three (3) months on each shift. The fire drills shall include a resident evacuation at least once a year. II/III

(G) The staff shall be trained on how to proceed in the event of a fire. The training shall include:

1. Who to call;
2. How to properly evacuate injured residents;
3. Which residents may need to be awakened or may need special assistance; and
4. How to operate fire extinguishing equipment. II/III

(H) The facility shall keep a record of all fire drills. The record shall include the time, date, personnel participating, length of time to complete the fire drill, and a narrative notation of any special problems. III

(5) Exits, Stairways and Fire Escapes.

(A) Each floor of a facility shall have at least two (2) unobstructed exits remote from each other.

1. For a facility whose plans were approved on or before December 31, 1987, or a facility licensed for twenty (20) or fewer residents, one (1) of the required exits from a multi-story facility shall be an outside stairway or an enclosed stairway that is separated by one (1)-hour rated construction from each floor with an exit leading directly to the outside at grade level. Existing plaster or gypsum board of at least one-half inch (1/2") thickness may be considered equivalent to one (1)-hour rated construction. The other required exit may be an interior stairway leading through corridors or passageways to outside. Neither of the required exits shall lead through a furnace or boiler room. Neither of the required exits shall be through a resident's bedroom, unless the bedroom door cannot be locked.

2. For a facility whose plans were approved after December 31, 1987, for more than twenty (20) residents, the required exits shall be doors leading directly outside, one (1)-hour enclosed stairs or outside stairs. The one (1)-hour enclosed stairs shall exit directly outside at grade. Access to these shall not be through a resident bedroom or a hazardous area. I/II

(B) In facilities with plans approved after December 31, 1987, doors to resident use rooms shall not be more than one hundred feet (100') from an exit. Dead-end corridors shall not exceed thirty feet (30') in length. II

(C) If it is necessary to lock exit doors or resident room doors, the locks shall not require the use of a key, tool, special knowledge or effort to unlock the door from inside the building. Only one (1) lock shall be permitted on each door. I/II

(D) All stairways and corridors shall be easily negotiable and shall be maintained free of obstructions. II

(E) Outside stairways shall be constructed to support residents during evacuation and shall be continuous to the ground level. Outside stairways shall not be equipped with a counter-balanced device. They shall be protected from or cleared of ice or snow. II/III

(F) Facilities with three (3) or more floors shall comply with the provisions of Chapter 320, RSMo which requires outside stairways to be constructed of iron or steel. II

(G) Fire escapes constructed on or after November 13, 1980, whether interior or exterior, shall be thirty-six inches (36") wide, shall have eight-inch (8") maximum risers, nine-inch (9") minimum tread, no winders, maximum height between landings of twelve feet (12'), minimum dimensions of landings of forty-four inches (44"), landings at each exit door, handrails on both sides and be of sturdy construction, using at least two-inch (2") lumber. Exit doors to these fire escapes shall be at least thirty-six inches (36") wide and the door shall swing outward. II/III

(H) If a ramp is required to meet residents' needs under 13 CSR 15-15.042(32), the ramp shall have a maximum slope of one to twelve (1:12) leading to grade. II/III

(6) Exit Signs.

(A) Signs bearing the word EXIT in plain, legible letters shall be placed at each required exit, except at doors directly from rooms to exit passageways or corridors. Letters of all exit signs shall be at least six inches (6") high and three-fourths of an inch (3/4") wide, except that letters of internally illuminated exit signs shall not be less than four and one-half inches (4 1/2") high. II

(B) Directional indicators showing the direction of travel shall be placed in corridors, passageways or other locations where the direction of travel to reach the nearest exit is not apparent. II/III

(C) All required exit signs and directional indicators shall be positioned so that they are illuminated by both normal and emergency lighting. II/III

(7) Fire Alarm Systems.

(A) All facilities shall have inspections and written certifications of the fire alarm system completed by an approved qualified service representative in accordance with the 1996 NFPA 72, *National Fire Alarm Code*, at least annually. II/III

(B) All residential care facilities I licensed for more than twenty (20) residents shall be equipped with a complete fire alarm system in accordance with the applicable edition of NFPA 72. I/II

(C) All residential care facilities II shall be equipped with a complete fire alarm system in accordance with the applicable edition of NFPA 72. I/II

(D) All residential care facilities with more than one (1) structure on the premises housing residents shall be equipped with a complete fire alarm system in accordance with the applicable edition of NFPA 72. I/II

(E) A complete fire alarm system will not be required for facilities licensed prior to July 11, 1980, if the facility has a sprinkler system installed and maintained in accordance with the 1976 NFPA 13, *Standard for the Installation of Sprinkler Systems*. I/II

(F) Residential care facilities I licensed for twenty (20) or fewer residents shall be equipped with a complete automatic fire alarm system or individual home-type detectors. The individual home-type detectors shall be UL-approved battery-powered detectors which sense smoke and automatically sound an alarm which can be heard throughout the facility. If individual home-type detectors are being used, there shall be one (1) detector per resident-use room, in corridors and stairwells and in any hazardous area other than the kitchen where either a smoke or heat detector may be used. I/II

(G) The fire alarm system shall be an electrically supervised system with standby emergency power installed and maintained in accordance with the 1996 NFPA 72. Those facilities with plans approved prior to October 1, 2000, shall comply with the provision of the 1975 edition of NFPA 72A, *Local Protective Signaling Systems*. Those facilities with plans approved on or after October 1, 2000, shall comply with the 1996 edition of NFPA 72. I/II

(H) As a minimum, the fire alarm system shall consist of a manual pull station at or near each attendant's station and each required exit, smoke detectors located no more than thirty feet (30') apart in the corridors or passageways with no point in the corridor or passageway more than fifteen feet (15') from a detector and no point in the building more than thirty feet (30') from a detector. In residential care facilities licensed prior to November 13, 1980, smoke detectors located every fifty feet (50') will be acceptable. The smoke detectors will not be

required in facilities licensed prior to November 13, 1980, if a complete heat detector system, interconnected to the fire alarm system, is provided in every space throughout the facility. It must include audible signal(s) which can be heard throughout the building and a main panel that interconnects all alarm-activating devices and audible signals. I/II

(I) Every fire alarm system shall be tested at least once a month, and a record of all tests shall be maintained. II/III

(J) Any fault with any part of the fire alarm system shall be corrected immediately upon discovery. I/II

(K) When a fire alarm system is to be out of service for more than four (4) hours in a twenty-four (24)-hour period, the facility shall immediately notify the Division of Aging and implement an approved fire watch until the fire alarm system has been returned to full service. I/II

(L) Detectors shall be tested monthly and batteries shall be changed as needed. A record shall be kept of the dates of testing and the changing of batteries. II/III

(M) Any fault with any detector shall be corrected immediately upon discovery. I/II

(8) Protection from Hazards.

(A) In residential care facilities I and II licensed on or after November 13, 1980, for more than twelve (12) residents, hazardous areas shall be separated by construction of at least a one (1)-hour fire-resistant rating. In facilities equipped with a complete automatic fire alarm system, not individual residential-type detectors, the one (1)-hour fire separation is required only for furnace or boiler rooms. Hazardous areas equipped with a complete sprinkler system are not required to have this one (1)-hour fire separation. Doors to hazardous areas shall be self-closing and shall be kept closed unless an electromagnetic hold-open device is used which is interconnected with the fire alarm system. II

(B) The storage of unnecessary combustible materials in any part of a building in which a licensed facility is located is prohibited. I/II

(C) Space under stairways shall not be used for storage of combustible materials unless the space is separated by one (1)-hour rated construction and sprinklered. II/III

(D) Electric or gas clothes dryers shall be vented to the outside. Lint traps shall be cleaned regularly to protect against fire hazard. II/III

(E) In residential care facilities II licensed on or after November 13, 1980, each floor shall be separated by construction of at least a one (1)-hour fire resistant rating. Buildings equipped with a complete sprinkler system may have a non-rated smoke separation barrier between floors. Doors between floors must be a minimum of one and three-fourths inches (1 3/4") thick and be solid core wood doors or metal doors with an equivalent fire rating. II

(F) In residential care facilities I and II licensed prior to November 13, 1980, and multistoried residential care facilities I licensed on or after November 13, 1980, there shall be a smoke separation barrier between the floors of resident-use areas and any floor below the resident-use area. This shall consist of a solid core wood door or metal door with an equivalent fire rating at the top or the bottom of the stairs. There shall not be a transom above the door that would permit the passage of smoke. II

(G) Atriums open between floors will be permitted if resident room corridors are separated from the atrium by one (1)-hour rated smoke walls. These corridors must have access to at least one (1) of the required exits without traversing any space opened to the atrium. II

(H) All doors providing separation between floors shall have a self-closing device attached. If the doors are to be held open, electromagnetic hold-open devices shall be used that are inter-

connected with either an individual smoke detector, a sprinkler system or a complete fire alarm system. II

(I) In facilities whose plans are approved or which are initially licensed after December 31, 1987, for more than twenty (20) residents, each floor used for resident bedrooms shall be divided into at least two (2) smoke sections by one (1)-hour rated smoke stop partitions. No smoke section shall exceed one hundred fifty feet (150') in length. If, however, neither the length nor width of a floor exceeds seventy-five feet (75'), no smoke stop partitions are required. Openings in smoke stop partitions shall be protected by solid core doors equipped with closers and magnetic hold-open devices. Any duct passing through this smoke wall shall be equipped with automatic resetting smoke dampers that are activated by the fire alarm system. Smoke partitions shall extend from outside wall-to-outside wall and from floor-to-floor or floor-to-roof deck. II

(J) Facilities whose plans are approved or which are initially licensed after December 31, 1987, for more than twenty (20) residents and which are unsprinklered shall have one (1)-hour rated corridor walls with one and three-quarters inch (1 3/4") solid core wood doors or metal doors with an equivalent fire rating. II

(K) If two (2) or more levels of long-term care or two (2) different businesses are located in the same building, the entire building shall meet either the most strict construction and fire safety standards for the combined facility or the facilities shall be separated from the other(s) by two (2)-hour fire-resistant construction. II

(9) Sprinkler Systems.

(A) All residential care facilities II that are not of fire-resistant construction which house any residents above the second floor shall be provided throughout with an automatic sprinkler system installed and maintained according to the applicable edition of the NFPA 13, *Standard for the Installation of Sprinkler Systems*. I/II

(B) Residential care facilities I that are not of fire-resistant construction and which house residents above the third floor shall be provided throughout with an automatic sprinkler system installed and maintained according to the applicable edition of the NFPA 13 or NFPA 13D, *Standard for the Installation of Sprinkler Systems in One- and Two-Story Dwellings and Manufactured Homes*. I/II

(C) Facilities whose plans are approved or which are initially licensed after December 31, 1987, for more than twenty (20) residents shall be completely sprinklered if they are not of fire-resistant construction and if they are over one (1) story in height. One (1) story facilities shall be completely sprinklered unless all combustible structural members are provided with one (1)-hour fire-rated protection. One-half inch (1/2") gypsum board or plaster is considered equivalent to one (1)-hour protection. The sprinkler system shall comply with the applicable edition of either NFPA 13 or NFPA 13R, *Standard for the Installation of Sprinkler Systems in Residential Occupancies Up to and Including Four Stories in Height*. I/II

(D) All residential care facilities I and II initially licensed or with plans approved on or after October 1, 2000, shall have complete sprinkler systems installed and maintained in accordance with the 1996 edition of NFPA 13 or NFPA 13R. I/II

(E) All facilities shall have inspections and written certifications of the sprinkler system completed by an approved qualified service representative in accordance with the 1998 NFPA 25, *Standard for the Inspection, Testing, and Maintenance of Water-Based Fire Protection Systems*. The inspections shall be in accordance with the provisions of NFPA 25, with certification at least annually by a qualified service representative. II/III

(F) When a sprinkler system is to be out of service for more than four (4) hours in a twenty-four (24)-hour period, the

facility shall immediately notify the Division of Aging and implement an approved fire watch until the sprinkler system has been returned to full service. I/II

(10) Emergency Lighting.

(A) Emergency lighting of sufficient intensity shall be provided for exits, stairs, resident corridors and attendants' station. II

(B) The lighting shall be supplied by an emergency service, an automatic emergency generator or battery operated lighting system. This emergency lighting system shall be equipped with an automatic transfer switch. II

(C) If battery powered lights are used, they shall be capable of operating the light for at least one and one-half (1 1/2) hours. II

(11) Interior Finish and Furnishings.

(A) In a facility licensed on or after November 13, 1980, for more than twelve (12) residents, wall and ceiling surfaces of all occupied rooms and all exitways shall be of a material or so treated as not to have a flame-spread classification of more than seventy-five (75) according to the method of the *Fire Hazard Classification of Building Materials of Underwriters Laboratories, Inc.* II

(B) In facilities licensed prior to November 13, 1980, all wall and ceiling surfaces shall be smooth and free of highly combustible materials. II

(C) In a facility licensed on or after November 13, 1980, for more than twelve (12) residents, the new or replacement floor covering and carpeting shall be Class I in nonsprinklered buildings and Class II in sprinklered buildings. Class I has a critical radiant flux of zero point forty-five (0.45) or more watts per square centimeter when tested according to NFPA 253, *Standard Method of Test for Critical Radiant Flux of Floor Covering Systems Using a Radiant Heat Energy Source*. Class II has a critical radiant flux of zero point twenty-two (0.22) or more watts per square centimeter when tested according to NFPA 253. II/III

(D) All new or replacement curtains and drapes in a licensed facility shall be certified or treated to be flame-resistant. II

(12) Smoking.

(A) Smoking shall not be permitted in sleeping quarters except at that time as direct supervision is provided. Areas where smoking is permitted shall be designated as such and shall be supervised either directly or by a resident informing an employee of the facility that the area is being used for smoking. II/III

(B) Ashtrays shall be made of noncombustible material and safe design and shall be provided in all areas where smoking is permitted. II/III

(C) The contents of ashtrays shall be disposed of properly in receptacles made of noncombustible material. II/III

(13) Trash and Rubbish Disposal.

(A) Only metal or UL- or FM-fire-resistant rated wastebaskets shall be used for trash. II

(B) Trash shall be removed from the premises as often as necessary to prevent fire hazards and public health nuisance. II

(C) No trash shall be burned within fifty feet (50') of any facility except in an approved incinerator. I/II

(D) Trash may be burned only in a masonry or metal container. II

(E) The container shall be equipped with a metal cover with openings no larger than one-half inch (1/2") in size. III

AUTHORITY: section 198.076, RSMo [1986] 1994. Original rule filed July 13, 1983, effective Oct. 13, 1983. Emergency amendment filed Aug. 1, 1984, effective Aug. 13, 1984, expired Dec. 10, 1984. Amended: Filed Sept. 12, 1984, effective Dec. 13, 1984. Amended: Filed May 13, 1987, effective Aug. 13, 1987. Amended: Filed Aug. 1, 1988, effective Nov. 10, 1988. Amended: Filed Feb. 28, 2000.

PUBLIC COST: This proposed amendment is estimated to cost county/nursing home district existing facilities \$31,000 in FY-01 (\$20,920 for annual inspections and certifications; and a one-time cost of \$10,080 for replacement of fire extinguishers) and \$21,548 for FY-02 and annually thereafter for the life of the rule adjusting for inflation. This proposed amendment is estimated to cost new facilities \$60,000 in FY-01 and \$61,800 for FY-02 and annually thereafter for the life of the rule (adjusting for inflation) for installation of complete sprinkler systems.

PRIVATE COST: This proposed amendment is estimated to cost existing private entity facilities \$316,840 in FY-01 (\$203,980 for annual inspections and certifications; and a one-time cost of \$112,860 for replacement of fire extinguishers) and \$210,099 for FY-02 and annually thereafter for the life of the rule adjusting for inflation. This proposed amendment is estimated to cost new private entity facilities \$480,000 in FY-01 and \$494,400 for FY-02 and annually thereafter for the life of the rule (adjusting for inflation) for installation of complete sprinkler systems.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Division of Aging, ATTN: Richard C. Dunn, Director, 615 Howerton Court, P.O. Box 1337, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**FISCAL NOTE
PUBLIC ENTITY COST**

I. RULE NUMBER

Title: 13 - Department of Social Services

Division: 15 - Division of Aging

Chapter: 15 - Residential Care Facilities I and II

Type of Rulemaking: Proposed Amendment

Rule Number and Name: 13 CSR 15-15.022 Fire Safety Standards for New and Existing Residential Care Facilities I and II

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
14	County/Nursing Home Districts	FY-01 \$31,000
	with 56 Existing RCFs	FY-02 \$21,548*
2	New RCFs	FY-01 \$60,000
		FY-02 \$61,800*

* Annually for the life of the rule plus 3% inflationary costs

III. WORKSHEET

• **Existing Residential Care Facilities (RCFs)**

14 County/Nursing Home Districts with 56 RCFs; average number of fire extinguishers/RCF = 6; 6 x 56 = 336 fire extinguishers; 20% of existing RCFs have sprinkler systems; 90% of existing RCFs have complete fire alarm systems; 15% of existing RCFs have rangehood extinguishing systems.

FY-01: Fire extinguishers maintenance @ \$5.00 each/year x 336 fire extinguishers = \$1,680 + Annual sprinkler system certification @ \$800/RCF x 20% of RCFs = 11 RCFs x \$800 = \$8,800 + Annual fire alarm system certification @ \$200/RCF x 90% of RCFs = 50 RCFs x \$200 = \$10,000 + Annual rangehood extinguishing system certification @ \$55/RCF x 15% of RCFs = 8 x \$55 = \$440. Total of \$20,920

FY-01 (one-time only): Fire extinguisher replacement: 168 extinguishers (one-half) @ \$20.00/5 lb. extinguisher + 168 extinguishers (one-half) @ \$40.00/10 lb. extinguisher = \$3,360 + \$6,720 = \$10,080 cost to replace all fire extinguishers.

FY-02: \$1,680 fire extinguisher maintenance + \$8,800 sprinkler system certification + \$10,000 fire alarm system certification + \$440 rangehood extinguishing system certification = \$20,920 x 1.03 inflationary factor = \$21,548

- **New Residential Care Facilities I and II**

Two (2) new RCFs with 50 beds/RCF = 100 beds; Cost of residential type sprinkler system (plastic or steel) in an RCF I or II is \$2.00/square foot; average RCF I or II contains 300 square feet/bed.

FY-01: Installation of sprinkler system: 300 sq. ft./bed x \$2.00/sq. ft. = \$600 x 100 beds = \$60,000

FY-02: Installation of sprinkler system: \$60,000 x 1.03 (inflationary factor) = \$61,800

IV. ASSUMPTIONS

1. All rules in 13 CSR 15 are integrally related. All Chapter 15 rules should be considered collectively to obtain a complete assessment of the costs related to Residential Care Facilities (RCFs).
2. The average cost of a fire extinguisher is \$40.00 for a 10 lb. and \$20.00 for a 5 lb. An average of 6 fire extinguishers per facility was used with one-half being 10 lb., and one-half being 5 lb. The annual maintenance cost is \$5.00 per fire extinguisher.
3. Fire extinguishers need to be tested every 10 to 12 years; however, due to the testing costs, most facilities purchase new ones. Since the last time a fiscal note was completed to consider the cost to replace fire extinguishers was for FY-90 the division is assuming that replacement of fire extinguishers should again be projected to occur during FY-01 even though replacements will occur at varying times during various intervals.
4. Annual certification costs for sprinkler systems is estimated at \$800; annual fire alarm system certification is estimated to be \$200; and annual rangehood extinguishing system certification is estimated at \$55 for each affected RCF I or II.
5. The cost projections contained in this fiscal note are based on historical data, the Means Building Construction Cost Data publication, and information from several contractors and installation experts.
6. The aggregate cost over the life of this rule may be obtained by multiplying the estimated costs times the number of years the rule is projected to be in effect and factoring in inflationary costs of 3% per year.
7. As this rule is substantially based on the statutory requirements of Chapter 198, RSMo (Supp. 1999), a taking analysis is not required under §536.017, RSMo (Supp. 1999).
8. This rule is mandated by Chapter 198, RSMo (Supp. 1999); therefore, the life of the rule cannot be determined by the Division of Aging.
9. Any other costs not identified within this fiscal note are unforeseeable and unquantifiable.

**FISCAL NOTE
PRIVATE ENTITY COST**

I. RULE NUMBER

Title: 13 - Department of Social Services

Division: 15 - Division of Aging

Chapter: 15 - Residential Care Facilities I and II

Type of Rulemaking: Proposed Amendment

Rule Number and Name: 13 CSR 15-15.022 Fire Safety Standards for New and Existing Residential Care Facilities I and II

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
627	Existing RCF I & II	FY-01 \$316,840
		FY-02 \$210,099*
16	New RCF I & II	FY-01 \$480,000
		FY-02 \$494,400*

*Annually for the life of the rule plus 3% inflationary costs

III. WORKSHEET

• **Existing Residential Care Facilities (RCFs)**

300 RCF IIs and 327 RCF Is = 627 RCFs; average number of fire extinguishers/RCF = 6; 627 RCFs x 6 fire extinguishers/RCF = 3,762 fire extinguishers; 20% of existing RCFs have sprinkler systems; all existing RCF IIs and 100 RCF Is have complete fire alarm systems; 15% of existing RCFs have rangehood extinguishing systems.

FY-01: Fire extinguishers maintenance @ \$5.00 each/year x 3,762 fire extinguishers = \$18,810 + Annual sprinkler system certification @ \$800/RCF x 20% of RCFs = 125 RCFs x \$800 = \$100,000; Annual fire alarm certification @ \$200/RCF x 400 RCFs = \$80,000; rangehood extinguishing system certification @ \$55/RCF x 15% of RCFs = 94 RCFs x \$55 = \$5,170. Total - \$203,980.

FY-01 (one-time only): 3,762 fire extinguisher replacements: 1,881 (one-half) @ \$20.00/5 lb. extinguisher = \$37,620 + 1,881 (one-half) @ \$40.00/10 lb. extinguisher = \$75,240 = \$112,860

FY-02: \$18,810 fire extinguisher maintenance + \$100,000 sprinkler system certification + \$80,000 fire alarm system certification + \$5,170 rangehood extinguishing system certification = \$203,980 x 1.03 inflationary factor = \$210,099

- **New Residential Care Facilities (RCFs)**

16 new RCFs with 50 beds/RCF/year = 800 beds.

Cost of residential type sprinkler system (plastic or steel) in an RCF I or II is \$2.00/square foot.

Average RCF I or II contains 300 square feet/bed.

FY-01: Installation of sprinkler system: 300 sq. ft./bed @ \$2.00/sq. ft. = \$600 x 800 beds = \$480,000

FY-02: Installation of sprinkler system: \$480,000 x 1.03 (inflationary factor) = \$494,400

IV. ASSUMPTIONS

1. All rules in 13 CSR 15 are integrally related. All Chapter 15 rules should be considered collectively to obtain a complete assessment of the costs related to Residential Care Facilities (RCFs).
2. The average cost of a fire extinguisher is \$40.00 for a 10 lb. and \$20.00 for a 5 lb. An average of 6 fire extinguishers per facility was used with one-half being 10 lb., and one-half being 5 lb. The annual maintenance cost is \$5.00 per fire extinguisher.
3. Fire extinguishers need to be tested every 10 to 12 years; however, due to the testing costs, most facilities purchase new ones. Since the last time a fiscal note was completed to consider the cost to replace fire extinguishers was for FY-90 the division is assuming that replacement of fire extinguishers should again be projected to occur during FY-01 even though replacements will occur at varying times during various intervals.
4. Annual certification costs for sprinkler systems is estimated at \$800; annual fire alarm system certification is estimated to be \$200; and annual rangehood extinguishing system certification is estimated at \$55 for each affected RCF I or II.
5. The cost projections contained in this fiscal note are based on historical data, the Means Building Construction Cost Data publication, and information from several contractors and installation experts.
6. The aggregate cost over the life of this rule may be obtained by multiplying the estimated costs times the number of years the rule is projected to be in effect and factoring in inflationary costs of 3% per year.
7. As this rule is substantially based on the statutory requirements of Chapter 198, RSMo (Supp. 1999), a taking analysis is not required under §536.017, RSMo (Supp. 1999).
8. This rule is mandated by Chapter 198, RSMo (Supp. 1999); therefore, the life of the rule cannot be determined by the Division of Aging.
9. Any other costs not identified within this fiscal note are unforeseeable and unquantifiable.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—Division of Medical Services
Chapter 10—Nursing Home Program**

PROPOSED AMENDMENT

13 CSR 70-10.110 Nursing Facility Reimbursement Allowance.
The division is amending section (1) and section (2).

PURPOSE: This amendment provides for the Nursing Facility Reimbursement Allowance of \$7.55 per patient occupancy day, effective July 1, 2000.

(1) Nursing Facility Reimbursement Allowance (NFRA). NFRA shall be assessed as described in this section.

(B) Each nursing facility, except any nursing facility operated by the Department of Mental Health, engaging in the business of providing nursing facility services in Missouri shall pay a Nursing Facility Reimbursement Allowance (NFRA). *[The NFRA rates shall be calculated by the department and are included in section (2) NFRA rates.]*

1. The NFRA *[effective October 1 of each year]* owed for existing nursing facilities shall be *[based on the]* calculated by multiplying the NFRA rate by the annualized level of patient occupancy days from the *[second quarter survey received from the]* applicable Division of Aging *[for that year]* ICF/SNF Certificate of Need Quarterly Survey. The NFRA shall be divided by and collected over the number of months for which each NFRA rate is effective. The NFRA rates, effective dates and applicable quarterly surveys are set forth in section (2).

A. Exceptions.

(I) If an existing nursing facility's applicable quarterly survey, as set forth in section (2), does not represent a full quarter's worth of days due to a termination, temporary closure, change of ownership, etc., the patient occupancy days used to determine the NFRA shall be the greater of:

(a) The quarterly survey immediately prior to the applicable quarterly survey, if it represents a full quarter's worth of days; or

(b) Fifty percent (50%) of licensed beds.

(II) If an existing nursing facility did not have patient occupancy information included on the applicable quarterly survey due to a termination, temporary closure, change of ownership, etc., the patient occupancy days used to determine the NFRA shall be the greater of:

(a) The quarterly survey immediately prior to the applicable quarterly survey, if it represents a full quarter's worth of days; or

(b) Fifty percent (50%) of licensed beds.

(III) If a nursing facility has ICF licensed beds and SNF licensed beds and none of the beds are Medicaid certified, only the SNF beds are subject to NFRA. The patient occupancy days used to determine the NFRA shall be determined by multiplying the occupancy percentage from the applicable quarterly survey by the annualized level of patient occupancy days based on the SNF licensed beds.

[2. If a nursing facility did not have patient occupancy day information included on the second quarter survey from the Division of Aging and is licensed prior to October 1, the patient occupancy days used to determine the facility's NFRA shall be based on an estimated fifty percent (50%) of licensed beds.]

3. If a nursing facility is licensed after September 30, its NFRA shall be determined in accordance with paragraph (1)(B)2. of this regulation, divided by twelve (12),

and prorated for the number of months they are licensed prior to October 1. If a nursing facility's licensure date is after the first day of a month, the number of months that the nursing facility is licensed for and that the NFRA will be collected over will begin with the first day of the month following the actual licensure date.]

2. The initial NFRA owed by a newly licensed nursing facility that just opened as a result of receiving a Certificate of Need (CON) for a new nursing facility shall be calculated by multiplying the NFRA rate by the annualized level of patient occupancy days based on fifty percent (50%) of licensed beds. The NFRA shall be prorated for the number of months remaining in the NFRA period. If a nursing facility's licensure date is after the first day of a month, the NFRA will be collected beginning with the first day of the month following the actual licensure date.

3. If a nursing facility ceases to provide nursing facility services, the nursing facility is not required to pay the NFRA during the months in which it does not have residents, even though it may retain a license due to temporary closure for renovations, replacement, etc. If the facility reopens, it shall resume paying the NFRA. It shall owe the same NFRA as it did prior to closing, if the NFRA has not changed per section (2) below. If the NFRA has changed, the facility shall be assessed in accordance with paragraph (1)(B)1. above.

(2) NFRA Rates. The NFRA rates determined by the division, as set forth in (1)(B) above, are as follows:

(A) The NFRA will be two dollars and seventy-six cents (\$2.76) per patient occupancy day for the period January 1, 1995 through September 30, 1995, and collected over nine (9) months (February 1995 through October 1995)/;. The applicable quarterly survey for this period shall be the Division of Aging's June 1994 quarterly survey;

(B) The NFRA will be three dollars fifty-five cents (\$3.55) per patient occupancy day for the period October 1, 1995 through September 30, 1996, and collected over twelve (12) months (November 1995 through October 1996)/;. The applicable quarterly survey for this period shall be the Division of Aging's June 1995 quarterly survey;

(C) The NFRA will be five dollars and thirty cents (\$5.30) per patient occupancy day for the period October 1, 1996 through September 30, 1997, and collected over twelve (12) months (November 1996 through October 1997)/;. The applicable quarterly survey for this period shall be the Division of Aging's June 1996 quarterly survey;

(D) The NFRA will be five dollars and eighty-eight cents (\$5.88) per patient occupancy day for the period October 1, 1997 through September 30, 1998, and collected over twelve (12) months (November 1997 through October 1998)/;. The applicable quarterly survey for this period shall be the Division of Aging's June 1997 quarterly survey;

(E) The NFRA will be five dollars and eighty-eight cents (\$5.88) per patient occupancy day for the period October 1, 1998 through September 30, 1999, and collected over twelve (12) months (November 1998 through October 1999)/; and/. The applicable quarterly survey for this period shall be the Division of Aging's June 1998 quarterly survey;

(F) The NFRA will be seven dollars and four cents (\$7.04) per patient occupancy day effective October 1, 1999. The applicable quarterly survey for this period shall be the Division of Aging's June 1999 quarterly survey; and

(G) The NFRA will be seven dollars and fifty-five cents (\$7.55) per patient occupancy day, effective July 1, 2000. The applicable quarterly survey for this period shall be the Division of Aging's December 1999 quarterly survey.

AUTHORITY: sections 198.401, 198.403, 198.406, 198.409, 198.412, 198.416, 198.418, 198.421, 198.424, 198.427, 198.431, 198.433 and 198.436, RSMo [Supp. 1998] Supp. 1999 and 208.201, RSMo 1994. Emergency rule filed Dec. 21, 1994, effective Jan. 1, 1995, expired April 30, 1995. Emergency rule filed April 21, 1995, effective May 1, 1995, expired Aug. 28, 1995. Original rule filed Dec. 15, 1994, effective July 30, 1995. For intervening history, please consult the **Code of State Regulations**. Amended: Filed Feb. 29, 2000.

PUBLIC COST: This proposed amendment will not cost public entities or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed amendment will cost private entities approximately \$119,607,545 annually over the life of this amendment. The annual impact is based on 576 nursing facilities which include some costs to small businesses. A fiscal note containing the estimated cost of compliance has been filed with the secretary of state.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Social Services, Division of Medical Services, Director of Medicaid, 615 Howerton Court, Jefferson City, MO 65109. To be considered, comments must be received within thirty days after publication in the **Missouri Register**. If to be hand-delivered, comments must be brought to the Office of Medical Services at 615 Howerton Court, Jefferson City, Missouri. No public hearing scheduled.

**FISCAL NOTE
PRIVATE ENTITY COSTS**

I. RULE NUMBER

Title : 13 - Department of Social Services
Division : 70 - Division of Medical Services
Chapter : 10 - Nursing Home Program
Type of Rulemaking : Proposed Amendment
Rule Number and Name : 13 CSR 70-10.110 Nursing Facility Reimbursement Allowance

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
576	Long term care facilities	Annual estimated cost: \$119,607,545

III. WORKSHEET

Annual days to be assessed	15,842,059
NFRA	x \$7.55
Annual estimated cost	<u>\$119,607,545</u>

IV. ASSUMPTIONS

The annual impact of \$119,607,545 is based on the FY2001 assessed amount of \$7.55 per multiplied by the estimated annualized occupied days of 15,842,059.

The annual impact is based on 576 facilities which include some costs to small businesses.

Title 19—DEPARTMENT OF HEALTH
Division 30—Division of Health Standards and
Licensure
Chapter 60—License-Exempt Child Care Facilities

PROPOSED AMENDMENT

19 CSR 30-60.010 Definitions Relating to Child Care Facilities.

The Department of Health is deleting section (2).

PURPOSE: This proposed amendment deletes the requirement that this rule expires on June 30, 2000.

[(2) This rule expires on June 30, 2000.]

AUTHORITY: sections 210.221.1(3) and 210.252.5, RSMo [1994] Supp. 1999. This rule was previously filed as 19 CSR 40-60.010. Original rule filed Dec. 1, 1994, effective July 30, 1995. Changed to 19 CSR 30-60.010 July 30, 1998. Emergency amendment filed March 1, 2000, effective March 11, 2000, expires Sept. 6, 2000. Amended: Filed March 1, 2000.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Health, Bureau of Child Care Safety and Licensure, P.O. Box 570, Jefferson City, MO 65102-0570. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 19—DEPARTMENT OF HEALTH
Division 30—Division of Health Standards and
Licensure
Chapter 60—License-Exempt Child Care Facilities

PROPOSED AMENDMENT

19 CSR 30-60.020 Application for Annual Fire Safety and Health and Sanitation Inspections and Inspection Procedures.

The Department of Health is deleting section (8).

PURPOSE: This proposed amendment deletes the requirement that this rule expires on June 30, 2000.

[(8) This rule expires on June 30, 2000.]

AUTHORITY: sections 210.221.1(3) and 210.252.5, RSMo [1994] Supp. 1999. This rule was previously filed as 19 CSR 40-60.020. Original rule filed Dec. 1, 1994, effective July 30, 1995. Changed to 19 CSR 30-60.020 July 30, 1998. Emergency amendment filed March 1, 2000, effective March 11, 2000, expires Sept. 6, 2000. Amended: Filed March 1, 2000.

PUBLIC COST: This proposed amendment will cost the Department of Health \$510,571 total aggregate costs annually. A fiscal note containing a detailed estimated cost of compliance has been filed with the secretary of state.

PRIVATE COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Health, Bureau of Child Care Safety and Licensure, P.O. Box 570, Jefferson City, MO 65102-0570. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**FISCAL NOTE
PUBLIC ENTITY COST**

I. RULE NUMBER

Title: 19 - Department of Health

Division: 30 - Health Standards and Licensure

Chapter 60 - License-Exempt Child Care Facilities

Type of Rulemaking: Proposed Amendment

Rule Number and Name: 19 CSR 30-60.020 Application for Annual Fire Safety and Health and Sanitation Inspections and Inspection Procedures.

Prepared March 1, 2000, by the Bureau of Child Care.

II. SUMMARY OF FISCAL IMPACT

Estimate the number of entities by class who would likely be affected by the adoption of the proposed amendment:	Classification by types of the business entities which would likely be affected:	Estimate the aggregate as the cost of compliance with the rule by the affected entities:
1	Missouri Department of Health	\$510,571 Annually

III. WORKSHEET

The estimate in the aggregate was calculated as follows:

Salaries

13% of salaries for three Child Care Facility Specialist I's	\$10,259	
13% of salaries for 63 Child Care Facility Specialist II's	\$278,526	
13% of salaries for 10 Child Care Facility Specialist III's	\$48,036	
13% of salaries for five District Child Care Supervisors	<u>\$26,458</u>	
Total Salaries		\$363,279

Equipment and Expense for 83 staff persons

13% of Office Supplies	\$3237	
13% of Travel Expense	\$53,950	
13% of Office and Communication Expense	<u>\$26,975</u>	
Total Equipment and Expense		\$84,162

Sanitation Inspections

Annual and initial inspections	\$43,190	
Reinspections	\$8160	
Inspections for special problems	\$9300	
Lead inspections	<u>\$2480</u>	
Total Costs for Sanitation Inspections		<u>\$63,130</u>
Total Annual Cost		\$510,571

IV. ASSUMPTIONS:

1. As a result of the deletion of the requirement that this rule expires on June 30, 2000, costs to the Department of Health to provide fire safety, health, and sanitation inspections of 493 child care facilities operated by religious organizations and 124 nursery schools will be ongoing. Responsibility for the inspection of these facilities is distributed between 81 Child Care Facility Specialist I's, II's, III's, and District Child Care Supervisors. Sixty-six Child Care Facility Specialist I's and II's are responsible for the actual inspections of the facilities. Thirteen percent (13%) of the caseloads of Child Care Facility Specialist I's and II's are nursery schools and child care facilities operated by religious organizations. Therefore, for the purposes of this fiscal note, 13% of the salaries and expenses are calculated. Thirteen percent (13%) of the total salaries is \$363,279 and 13% of the total staff expense is \$84,162. This includes office supplies, travel, and communication expense. The total costs for inspection of these facilities are \$447,441.

2. The Department of Health contracts with local entities to conduct sanitation inspections for 493 child care facilities operated by religious organizations and 124 nursery schools. Each initial and annual inspection costs \$70.00. The annual costs for these inspections are \$43,190 ($\$70 \times 617 = \$43,190$). As some of the facilities are not in compliance at the time of the inspection, 33% or 204 facilities must be reinspected at a cost of \$40.00 per reinspection. Costs for the reinspections are \$8160 ($204 \times \$40.00 = \8160).

Approximately 10% or 62 of the facilities must receive additional special circumstance sanitation inspections. This may include emergency situations such as disease outbreaks, exposure to environmental hazards, infestation of insects, or complaint investigations. There is a cost of \$25.00 per hour and an average of two hours per inspection or \$50.00 per inspection. The average number of inspections is three with a cost of \$150.00. Therefore, the total annual costs for these inspections are \$9300 ($\$150.00 \times 62 = \9300).

Approximately 5% or 31 facilities must be inspected for lead each year. The costs for these inspections are \$40.00 per hour. The average inspection is two hours for a total of \$80.00 per inspection. Therefore, the costs for these inspections are \$2480 ($31 \times \$80.00 = \2480). The total annual costs for sanitation inspections of the 617 facilities are \$63,130. The costs for these sanitation inspections also are referenced in 19 CSR 40-60.030 Local Inspections and 19 CSR 40-60.090 Sanitation Requirements.

**Title 19—DEPARTMENT OF HEALTH
Division 30—Division of Health Standards and
Licensure
Chapter 60—License-Exempt Child Care Facilities**

PROPOSED AMENDMENT

19 CSR 30-60.030 Local Inspections. The Department of Health is deleting section (3).

PURPOSE: This proposed amendment deletes the requirement that this rule expires on June 30, 2000.

[(3) This rule expires on June 30, 2000.]

AUTHORITY: sections 210.221.1(3) and 210.252.5, RSMo [1994] Supp. 1999. This rule was previously filed as 19 CSR 40-60.030. Original rule filed Dec. 1, 1994, effective July 30, 1995. Changed to 19 CSR 30-60.030 July 30, 1998. Emergency amendment filed March 1, 2000, effective March 11, 2000, expires Sept. 6, 2000. Amended: Filed March 1, 2000.

PUBLIC COST: This proposed amendment will cost the Department of Health \$63,130 total aggregate costs annually. A fiscal note containing a detailed estimated cost of compliance has been filed with the secretary of state.

PRIVATE COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Health, Bureau of Child Care Safety and Licensure, P.O. Box 570, Jefferson City, MO 65102-0570. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

FISCAL NOTE PUBLIC ENTITY COST

I. RULE NUMBER

Title: 19 - Department of Health

Division: 30 - Health Standards and Licensure

Chapter 60 - License-Exempt Child Care Facilities

Type of Rulemaking: Proposed Amendment

Rule Number and Name: 19 CSR 30-60.030 Local Inspections

Prepared March 1, 2000, by the Bureau of Child Care.

II. SUMMARY OF FISCAL IMPACT

Estimate the number of entities by class who would likely be affected by the adoption of the proposed amendment:	Classification by types of the business entities which would likely be affected:	Estimate the aggregate as the cost of compliance with the rule by the affected entities:
1	Missouri Department of Health	\$63,130 Annually

III. WORKSHEET

The estimate in the aggregate was calculated as follows:

Sanitation Inspections

Annual and initial inspections	\$43,190
Reinspections	\$8160
Special circumstance inspections	\$9300
Lead inspections	<u>\$2480</u>
Total Annual Costs for Sanitation Inspections	\$63,130

IV. ASSUMPTIONS:

1. As a result of the deletion of the requirement that this rule expires on June 30, 2000, costs to the Department of Health to provide sanitation inspections of 493 child care facilities operated by religious organizations and 124 nursery schools will be ongoing. The Department of Health contracts with local entities to conduct sanitation inspections of 493 child care facilities operated by religious organizations and 124 nursery schools. Each initial and annual inspection costs \$70.00. The annual costs for these inspections are \$43,190 ($70 \times 617 = \$43,190$). As some of the facilities are not in compliance at the time of the inspection, 33% or 204 facilities must be reinspected at a cost of \$40.00 per reinspection. Costs for the reinspections are \$8160 ($204 \times \$40.00 = \8160).

Approximately 10% or 62 of the facilities must receive additional special circumstance sanitation inspections. This may include emergency situations such as disease outbreaks, exposure to environmental hazards, infestation of insects, or complaint investigations. There is a cost of \$25.00 per hour and an average of two hours per inspection or \$50.00 per inspection. The average number of inspections is three and the costs for the inspections are \$150.00. Therefore, the total annual costs for these inspections are \$9300 ($\$150.00 \times 62 = \9300).

Approximately 5% or 31 facilities must be inspected for lead each year. The costs for these inspections are \$40.00 per hour. The average inspection is two hours for a total of \$80.00 per inspection. Therefore, the costs for these inspections are \$2480 ($31 \times \$80.00 = \2480). The total annual costs for sanitation inspections of the 617 facilities are \$63,130. The costs for these sanitation inspections also are referenced in 19 CSR 30-60.020 Application for Annual Fire Safety and Health and Sanitation Inspections and Inspection Procedures and 19 CSR 40-60.090 Sanitation Requirements.

**Title 19—DEPARTMENT OF HEALTH
Division 30—Division of Health Standards and
Licensure
Chapter 60—License-Exempt Child Care Facilities**

PROPOSED AMENDMENT

19 CSR 30-60.040 Variance Requests. The Department of Health is deleting section (3).

PURPOSE: This proposed amendment deletes the requirement that this rule expires on June 30, 2000.

[(3) This rule expires on June 30, 2000.]

AUTHORITY: sections 210.221.1(3) and 210.252.5, RSMo [1994] Supp. 1999. This rule was previously filed as 19 CSR 40-60.040. Original rule filed Dec. 1, 1994, effective July 30, 1995. Changed to 19 CSR 30-60.040 July 30, 1998. Emergency amendment filed March 1, 2000, effective March 11, 2000, expires Sept. 6, 2000. Amended: Filed March 1, 2000.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Health, Bureau of Child Care Safety and Licensure, P.O. Box 570, Jefferson City, MO 65102-0570. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 19—DEPARTMENT OF HEALTH
Division 30—Division of Health Standards and
Licensure
Chapter 60—License-Exempt Child Care Facilities**

PROPOSED AMENDMENT

19 CSR 30-60.050 Staffing Requirements. The Department of Health is deleting section (5).

PURPOSE: This proposed amendment deletes the requirement that this rule expires on June 30, 2000.

[(5) This rule expires on June 30, 2000.]

AUTHORITY: sections 210.221.1(3) and 210.252.5, RSMo [1994] Supp. 1999. This rule was previously filed as 19 CSR 40-60.050. Original rule filed Dec. 1, 1994, effective July 30, 1995. Changed to 19 CSR 30-60.050 July 30, 1998. Emergency amendment filed March 1, 2000, effective March 11, 2000, expires Sept. 6, 2000. Amended: Filed March 1, 2000.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Health, Bureau of Child Care Safety and Licensure, P.O. Box 570, Jefferson City, MO 65102-0570. To be considered,

comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 19—DEPARTMENT OF HEALTH
Division 30—Division of Health Standards and
Licensure
Chapter 60—License-Exempt Child Care Facilities**

PROPOSED AMENDMENT

19 CSR 30-60.060 Health Requirements. The Department of Health is deleting section (12).

PURPOSE: This proposed amendment deletes the requirement that this rule expires on June 30, 2000.

[(12) This rule expires on June 30, 2000.]

AUTHORITY: sections 210.221.1(3) and 210.252.5, RSMo [1994] Supp. 1999. This rule was previously filed as 19 CSR 40-60.060. Original rule filed Dec. 1, 1994, effective July 30, 1995. Changed to 19 CSR 30-60.060 July 30, 1998. Emergency amendment filed March 1, 2000, effective March 11, 2000, expires Sept. 6, 2000. Amended: Filed March 1, 2000.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed amendment is estimated to cost persons employed by nursery schools and child care facilities that are operated by religious organizations \$67,275 annually. A fiscal note containing a detailed estimated cost of compliance has been filed with the secretary of state.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Health, Bureau of Child Care Safety and Licensure, P.O. Box 570, Jefferson City, MO 65102-0570. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**FISCAL NOTE
PRIVATE ENTITY COST**

I. RULE NUMBER

Title: 19 - Department of Health

Division: 30 - Health Standards and Licensure

Chapter 60 - License-Exempt Child Care Facilities

Type of Rulemaking: Proposed Amendment

Rule Number and Name: 19 CSR 30-60.060 Health Requirements

Prepared March 1, 2000, by the Bureau of Child Care.

II. SUMMARY OF FISCAL IMPACT

Estimate the number of entities by class who would likely be affected by the adoption of the proposed amendment:	Classification by types of the business entities which would likely be affected:	Estimate the aggregate as the cost of compliance with the rule by the affected entities:
1035	Persons employed by child care facilities.	\$67,275 Annually

III. WORKSHEET

The estimate in the aggregate was calculated as follows:

There are 617 nursery schools and child care facilities operated by religious organizations. The facilities have an average of seven staff persons each for a total of 3451 staff persons. Physical assessments are only required at the time of employment. Therefore, there will be no additional costs for physical assessments of staff who are presently employed. However, the Department of Health estimates that there is a 30% staff turnover rate in the facilities. Based on the turnover rates, it will be necessary for 1035 new staff persons to receive a physical assessment annually. At an average cost of \$65.00 per physical assessment, the annual costs are \$67,275 (1035 X \$65.00=\$67,275). Caregivers also will be required to be tested for tuberculosis every two years. Normally, TB tests are completed in conjunction with the physical assessment. Additional TB tests are conducted by local health departments at no charge, therefore, there will be no costs to employees for these tests.

IV. ASSUMPTIONS:

1. The Department of Health estimates that there is a 30% staff turnover rate in the facilities.

investigations. There is a cost of \$25.00 per hour and an average of two hours per inspection or \$50.00 per inspection. The average number of inspections is three and the costs for the inspections are \$150.00. Therefore, the total annual costs for these inspections are \$9300 ($\$150.00 \times 62 = \9300).

Approximately 5% or 31 facilities must be inspected for lead each year. The costs for these inspections are \$40.00 per hour. The average inspection is two hours for a total of \$80.00 per inspection. Therefore, the costs for these inspections are \$2480 ($31 \times \$80.00 = \2480). The total annual costs for sanitation inspections of the 617 facilities are \$63,130. The costs for these sanitation inspections also are referenced in 19 CSR 30-60.020 Application for Annual Fire Safety and Health and Sanitation Inspections and Inspection Procedures and 19 CSR 30-60.030 Local Inspections.

**Title 19—DEPARTMENT OF HEALTH
Division 30—Division of Health Standards and
Licensure
Chapter 60—License-Exempt Child Care Facilities**

*Department of Health, Bureau of Child Care Safety and Licensure,
P.O. Box 570, Jefferson City, MO 65102-0570. To be considered,
comments must be received within thirty days after publication of
this notice in the Missouri Register. No public hearing is sched-
uled.*

PROPOSED AMENDMENT

19 CSR 30-60.070 Responsibilities of Caregivers. The Department of Health is deleting section (2).

PURPOSE: This proposed amendment deletes the requirement that this rule expires on June 30, 2000.

[(2) This rule expires on June 30, 2000.]

AUTHORITY: sections 210.221.1(3) and 210.252.5, RSMo [1994] Supp. 1999. This rule was previously filed as 19 CSR 40-60.070. Original rule filed Dec. 1, 1994, effective July 30, 1995. Changed to 19 CSR 30-60.070 July 30, 1998. Emergency amendment filed March 1, 2000, effective March 11, 2000, expires Sept. 6, 2000. Amended: Filed March 1, 2000.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Health, Bureau of Child Care Safety and Licensure, P.O. Box 570, Jefferson City, MO 65102-0570. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 19—DEPARTMENT OF HEALTH
Division 30—Division of Health Standards and
Licensure
Chapter 60—License-Exempt Child Care Facilities**

PROPOSED AMENDMENT

19 CSR 30-60.080 Fire Safety Requirements. The Department of Health is deleting section (6).

PURPOSE: This proposed amendment deletes the requirement that this rule expires on June 30, 2000.

[(6) This rule expires on June 30, 2000.]

AUTHORITY: sections 210.221.1(3) and 210.252.5, RSMo [1994] Supp. 1999. This rule was previously filed as 19 CSR 40-60.080. Original rule filed Dec. 1, 1994, effective July 30, 1995. Changed to 19 CSR 30-60.080 July 30, 1998. Emergency amendment filed March 1, 2000, effective March 11, 2000, expires Sept. 6, 2000. Amended: Filed March 1, 2000.

PUBLIC COST: This proposed amendment will cost the Missouri Division of Fire Safety \$54,805 total aggregate costs annually. A fiscal note containing a detailed estimated cost of compliance has been filed with the secretary of state.

PRIVATE COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the

FISCAL NOTE PUBLIC ENTITY COST

I. RULE NUMBER

Title: 19 - Department of Health

Division: 30 - Health Standards and Licensure

Chapter 60 - License-Exempt Child Care Facilities

Type of Rulemaking: Proposed Amendment

Rule Number and Name: 19 CSR 30-60.080 Fire Safety Requirements

Prepared March 1, 2000, by the Bureau of Child Care.

II. SUMMARY OF FISCAL IMPACT

Estimate the number of entities by class who would likely be affected by the adoption of the proposed amendment:	Classification by types of the business entities which would likely be affected:	Estimate the aggregate as the cost of compliance with the rule by the affected entities:
1	Missouri Division of Fire Safety	\$54,805 Annually

III. WORKSHEET

The estimate in the aggregate was calculated as follows:

Total salaries of fire inspectors for DOH inspections	\$421,320
Total expense and equipment for DOH inspections	<u>\$126,734</u>
Total Salaries and expense and equipment for license-exempt facilities	\$548,054
	<u>X 10%</u>
Annual costs for the Division of Fire Safety to inspect child care facilities operated by religious organizations and nursery schools	\$54,805

IV. ASSUMPTIONS:

1. Fire inspections conducted in child care facilities operated by religious organizations and nursery schools represent 10% of the total number of fire inspections conducted by the Office of the State Fire Marshal for the DOH, and 10% of the total costs to the Division of Fire Safety for the inspections.

**Title 19—DEPARTMENT OF HEALTH
Division 30—Division of Health Standards and
Licensure
Chapter 60—License-Exempt Child Care Facilities**

PROPOSED AMENDMENT

19 CSR 30-60.090 Sanitation Requirements. The Department of Health is deleting section (10).

PURPOSE: This proposed amendment deletes the requirement that this rule expires on June 30, 2000.

[(10) This rule expires on June 30, 2000.]

AUTHORITY: sections 210.221.1(3) and 210.252.5, RSMo Supp. 1999. This rule was previously filed as 19 CSR 40-60.090. Original rule filed Dec. 1, 1994, effective July 30, 1995. Changed to 19 CSR 30-60.090 July 30, 1998. Emergency amendment filed March 1, 2000, effective March 11, 2000, expires Sept. 6, 2000. Emergency amendment filed March 1, 2000, effective March 11, 2000, expires Sept. 6, 2000. Amended: Filed March 1, 2000.

PUBLIC COST: This proposed amendment will cost the Department of Health \$63,130 total aggregate costs annually. A fiscal note containing a detailed estimated cost of compliance has been filed with the secretary of state.

PRIVATE COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Health, Bureau of Child Care Safety and Licensure, P.O. Box 570, Jefferson City, MO 65102-0570. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

FISCAL NOTE PUBLIC ENTITY COST

I. RULE NUMBER

Title: 19 - Department of Health

Division: 30 - Health Standards and Licensure

Chapter 60 - License-Exempt Child Care Facilities

Type of Rulemaking: Proposed Amendment

Rule Number and Name: 19 CSR 30-60.090 Sanitation Inspections

Prepared March 1, 2000, by the Bureau of Child Care.

II. SUMMARY OF FISCAL IMPACT

Estimate the number of entities by class who would likely be affected by the adoption of the proposed amendment:	Classification by types of the business entities which would likely be affected:	Estimate the aggregate as the cost of compliance with the rule by the affected entities:
1	Missouri Department of Health	\$63,130 Annually

III. WORKSHEET

The estimate in the aggregate was calculated as follows:

Sanitation Inspections

Annual and initial inspections	\$43,190
Reinspections	\$8160
Special circumstance inspections	\$9300
Lead inspections	<u>\$2480</u>
Total Annual Costs for Sanitation Inspections	\$63,130

IV. ASSUMPTIONS:

1. The Department of Health contracts with local entities to conduct sanitation inspections for 493 child care facilities operated by religious organizations and 124 nursery schools. Each initial and annual inspection costs \$70.00. The annual costs for these inspections are \$43,190 ($70 \times 617 = \$43,190$). As some of the facilities are not in compliance at the time of the inspection, 33% or 204 facilities must be reinspected at a cost of \$40.00 per reinspection. Costs for the reinspections are \$8160 ($204 \times \$40.00 = \8160).

Approximately 10% or 62 of the facilities must receive additional special circumstance sanitation inspections. This may include emergency situations such as disease outbreaks, exposure to environmental hazards, infestation of insects, or complaint

investigations. There is a cost of \$25.00 per hour and an average of two hours per inspection or \$50.00 per inspection. The average number of inspections is three and the costs for the inspections are \$150.00. Therefore, the total annual costs for these inspections are \$9300 ($\$150.00 \times 62 = \9300).

Approximately 5% or 31 facilities must be inspected for lead each year. The costs for these inspections are \$40.00 per hour. The average inspection is two hours for a total of \$80.00 per inspection. Therefore, the costs for these inspections are \$2480 ($31 \times \$80.00 = \2480). The total annual costs for sanitation inspections of the 617 facilities are \$63,130. The costs for these sanitation inspections also are referenced in 19 CSR 30-60.020 Application for Annual Fire Safety and Health and Sanitation Inspections and Inspection Procedures and 19 CSR 30-60.030 Local Inspections.

**Title 19—DEPARTMENT OF HEALTH
Division 30—Division of Health Standards and
Licensure
Chapter 60—License-Exempt Child Care Facilities**

PROPOSED AMENDMENT

19 CSR 30-60.100 Physical Plant, Space, Supplies and Equipment. The Department of Health is deleting section (8).

PURPOSE: This proposed amendment deletes the requirement that this rule expires on June 30, 2000.

[(8) This rule expires June 30, 2000.]

AUTHORITY: sections 210.221.1(3) and 210.252.5, RSMo [1994] Supp. 1999. This rule was previously filed as 19 CSR 40-60.100. Original rule filed Dec. 1, 1994, effective July 30, 1995. Changed to 19 CSR 30-60.100 July 30, 1998. Emergency amendment filed March 1, 2000, effective March 11, 2000, expires Sept. 6, 2000. Amended: Filed March 1, 2000.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Health, Bureau of Child Care Safety and Licensure, P.O. Box 570, Jefferson City, MO 65102-0570. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 19—DEPARTMENT OF HEALTH
Division 30—Division of Health Standards and
Licensure
Chapter 60—License-Exempt Child Care Facilities**

PROPOSED AMENDMENT

19 CSR 30-60.110 Transportation and Field Trip Requirements. The Department of Health is deleting section (4).

PURPOSE: This proposed amendment deletes the requirement that this rule expires on June 30, 2000.

[(4) This rule expires June 30, 2000.]

AUTHORITY: sections 210.221.1(3) and 210.252.5, RSMo [1994] Supp. 1999. This rule was previously filed as 19 CSR 40-60.110. Original rule filed Dec. 1, 1994, effective July 30, 1995. Changed to 19 CSR 30-60.110 July 30, 1998. Emergency amendment filed March 1, 2000, effective March 11, 2000, expires Sept. 6, 2000. Amended: Filed March 1, 2000.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Health, Bureau of Child Care Safety and Licensure, P.O. Box 570, Jefferson City, MO 65102-0570. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 19—DEPARTMENT OF HEALTH
Division 30—Division of Health Standards and
Licensure
Chapter 60—License-Exempt Child Care Facilities**

PROPOSED AMENDMENT

19 CSR 30-60.120 Admission Procedures and Required Reports and Records. The Department of Health is deleting section (7).

PURPOSE: This proposed amendment deletes the requirement that this rule expires on June 30, 2000.

[(7) This rule expires on June 30, 2000.]

AUTHORITY: sections 210.221.1(3) and 210.252.5, RSMo [1994] Supp. 1999. This rule was previously filed as 19 CSR 40-60.120. Original rule filed Dec. 1, 1994, effective July 30, 1995. Changed to 19 CSR 30-60.120 July 30, 1998. Emergency amendment filed March 1, 2000, effective March 11, 2000, expires Sept. 6, 2000. Amended: Filed March 1, 2000.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Health, Bureau of Child Care Safety and Licensure, P.O. Box 570, Jefferson City, MO 65102-0570. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 19—DEPARTMENT OF HEALTH
Division 30—Division of Health Standards and
Licensure
Chapter 62—Licensing Rules for Group Day Care
Homes and Child Day Care Centers**

PROPOSED AMENDMENT

19 CSR 30-62.087 Fire Safety. The Department of Health proposes to amend this rule by revising subsection (12)(D); changing paragraph (12)(D)1. to subsection (12)(E); adding subsection (12)(F); renumbering paragraphs (12)(D)2. through 4.; and renumbering the remaining subsections.

PURPOSE: This proposed amendment will ensure that all children in group day care homes and child day care centers are adequately protected from fire by smoke detectors and fire alarm systems.

(12) Detection, Alarms, and Extinguishment.

(D) [In addition to meeting all the requirements of this rule, facilities initially licensed and areas initially approved for child care on or after the effective date of this rule, shall meet the following requirements. If alterations are made in facilities licensed prior to the effective date of this rule, those facilities shall meet these requirements in the altered space—] A smoke detector(s) shall be installed in each room where children are being cared for and all other areas that are deemed necessary by the fire inspector. Smoke detectors shall be in good operating condition and functional at all times. If smoke detectors are not operational, the provider shall install smoke detectors as required by 19 CSR 30-62.087 (12)(F)1. Fire Safety.

[1.] (E) All facilities shall have a manual fire alarm system. Pull stations shall be mounted at each exit door and at least one (1) horn or strobe light shall be installed in a central location on each floor. Additional horns or strobe lights may be required by the fire inspector dependent upon the floor plan and arrangement of space. The battery backup control panel shall be Underwriter's Laboratory (UL) or Factory Mutual (FM) listed and installed on a circuit used only for this system in the breaker box. The fire alarm system shall be installed and maintained in good working order. The fire inspector shall base the inspection of this system on the National Fire Protection Association Standards, *National Fire Alarm Code*. This does not apply to facilities housed in one (1) room only where all exit doors lead directly outside at level exit discharge[;].

(F) In addition to meeting all the requirements of this rule, facilities initially licensed and areas initially approved for child care on or after the effective date of this rule, shall meet the following requirements. If alterations are made in facilities licensed prior to the effective date of this rule, those facilities shall meet these requirements in the altered space—

[2.] 1. Group day care homes and day care centers caring for fifty (50) or fewer children at one (1) time shall have smoke detectors installed in each room used by the children and in other locations as deemed necessary by the fire inspector. All smoke detectors shall be powered by the building's electrical system and have a battery backup. When more than one (1) smoke detector is required in a facility, they shall be arranged so that the activation of any detector causes the operation of an alarm in all detectors. This system may work independently from the manual fire alarm system;

[3.] 2. Day care centers caring for more than fifty (50) children at one time shall have a full coverage fire alarm system. Smoke detectors shall be installed in each room, throughout hallways, and in other locations as deemed necessary by the fire inspector. Heat detectors shall be installed in the attic, kitchen, mechanical rooms, and other locations as deemed necessary by the fire inspector. The fire alarm system shall be installed and maintained in good working order. The fire inspector shall base the inspection of this system on the National Fire Protection Association Standards, *National Fire Alarm Code*; and

[4.] 3. Facilities using a commercial stove, deep fryer, two (2) home-type ranges placed side-by-side, or a home-type range that produces grease laden vapor, shall be equipped with a range hood and extinguishing system with an automatic cut-off of fuel supply and exhaust system in case of fire. The fire inspector shall inspect these systems to ensure that they are in good working condition and are installed and maintained correctly. The inspector shall base this inspection on the National Fire Protection Association, Chapter 96, *Standard for Fire Protection of Commercial Cooking Operations*.

A. Home-type stoves separated by an eighteen inch (18")-cabinet shall not be required to have an extinguishing system installed above them.

B. Facilities that cook on a home-type range and have a menu that does not include frying or emitting a grease-laden vapor, shall not be required to install a fire extinguishment system above the range.

C. The range hood fire extinguishment system shall be interconnected with the control panel of the fire alarm system. The activation of the range hood fire extinguishment system shall cause the fire alarm to activate throughout the building.

[(E)] (G) Day care centers caring for more than one hundred (100) children at one time shall have a fire alarm system that notifies a monitoring company or the fire department. A copy of the contract with the monitoring company shall be on file at the facility and available for review by the fire inspector. The contract with the monitoring company shall not be terminated without approval of the fire inspector.

[(F)] (H) Facilities that have a supervised automatic fire sprinkler system installed shall have the system tested and approved annually by a fire sprinkler company. A copy of the test report and approval of the system shall be kept on file at the facility and available for review by the fire inspector.

[(G)] (I) When child care space is located above the second floor, the entire building shall be protected by a supervised automatic sprinkler system.

AUTHORITY: sections 210.221.1(3) and 210.252.5, RSMo [Supp. 1998] Supp. 1999. Original rule filed Feb. 18, 1999, effective Sept. 30, 1999. Emergency amendment filed March 1, 2000, effective March 11, 2000, expires Sept. 6, 2000. Amended: Filed March 1, 2000.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed amendment is estimated to cost 576 licensed group day care home and child day care center child care providers \$33,984 total aggregate costs annually. A fiscal note containing a detailed estimated cost of compliance has been filed with the secretary of state.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Health, Bureau of Child Care Safety and Licensure, P.O. Box 570, Jefferson City, MO 65102-0570. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

FISCAL NOTE**PRIVATE ENTITY COST****I. RULE NUMBER**Title: 19 - Department of HealthDivision: 30 - Health Standards and LicensureChapter 62 - Licensing Rules for Group Day Care Homes and Child Day Care CentersType of Rulemaking: Proposed AmendmentRule Number and Name: 19 CSR 30-62.087 Fire Safety

Prepared March 1, 2000, by the Bureau of Child Care.

II. SUMMARY OF FISCAL IMPACT

Estimate the number of entities by class who would likely be affected by the adoption of the proposed amendment:	Classification by types of the business entities which would likely be affected:	Estimate the aggregate as the cost of compliance with the rule by the affected entities:
576	Licensed Group Day Care Home and Child Day Care Center Providers	\$33,984 Annually

III. WORKSHEET

The estimate in the aggregate was calculated as follows:

Nonfunctional smoke detectors to be replaced annually	576
Cost of smoke detector and installation	<u>X 59.00</u>
Estimated annual costs to 576 group day care home and child day care center providers	\$33,984

IV. ASSUMPTIONS:

1. The office of the State Fire Marshal currently requires smoke detectors in all licensed child care facilities. Currently all 1724 licensed group day care homes and child day care centers have been required to install smoke detectors. However, it will be necessary for some child care providers to replace nonfunctional smoke detectors. The office of the State Fire Marshal has determined that each of 12 fire inspectors finds an average of four nonfunctional smoke detectors per month. Therefore, 48 smoke detectors are determined to be nonfunctional per month (4 X 12), or 576 per year (12 X 48). The average cost of an electric smoke detector with a battery backup is \$9.00. The average installation cost of the detector is \$50.00 for a total of \$59.00 per detector.

Therefore, the total annual costs to 576 licensed group day care home and child day care center providers is \$33,984 ($576 \times \$59.00 = \$33,984$).

This section will contain the final text of the rules proposed by agencies. The order of rulemaking is required to contain a citation to the legal authority upon which the order or rulemaking is based; reference to the date and page or pages where the notice of proposed rulemaking was published in the *Missouri Register*; an explanation of any change between the text of the rule as contained in the notice of proposed rulemaking and the text of the rule as finally adopted, together with the reason for any such change; and the full text of any section or subsection of the rule as adopted which has been changed from that contained in the notice of proposed rulemaking. The effective date of the rule shall be not less than thirty days after the date of publication of the revision to the *Code of State Regulations*.

The agency is also required to make a brief summary of the general nature and extent of comments submitted in support of or opposition to the proposed rule and a concise summary of the testimony presented at the hearing, if any, held in connection with the rulemaking, together with a concise summary of the agency's findings with respect to the merits of any such testimony or comments which are opposed in whole or in part to the proposed rule. The ninety-day period during which an agency shall file its order of rulemaking for publication in the *Missouri Register* begins either: 1) after the hearing on the proposed rulemaking is held; or 2) at the end of the time for submission of comments to the agency. During this period, the agency shall file with the secretary of state the order of rulemaking, either putting the proposed rule into effect, with or without further changes, or withdrawing the proposed rule.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 75—Peace Officer Standards and Training
Program
Chapter 3—Certification of Bailiffs, Peace Officers,
and Reserve Officers**

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Public Safety under sections 590.115 and 590.140, RSMo Supp. 1999, the director amends a rule as follows:

11 CSR 75-3.010 Certification is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 15, 1999 (24 MoReg 2963). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 75—Peace Officer Standards and Training
Program
Chapter 3—Certification of Bailiffs, Peace Officers,
and Reserve Officers**

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Public Safety under sections 590.115 and 590.140, RSMo Supp. 1999, the director amends a rule as follows:

11 CSR 75-3.020 Eligibility for Certification is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 15, 1999 (24 MoReg 2963). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 75—Peace Officer Standards and Training
Program
Chapter 3—Certification of Bailiffs, Peace Officers,
and Reserve Officers**

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Public Safety under sections 590.115 and 590.140, RSMo Supp. 1999, the director amends a rule as follows:

11 CSR 75-3.030 Requirements for and Terms of Certification is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 15, 1999 (24 MoReg 2963–2967). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 75—Peace Officer Standards and Training
Program
Chapter 3—Certification of Bailiffs, Peace Officers,
and Reserve Officers**

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Public Safety under sections 590.115 and 590.140, RSMo Supp. 1999, the director amends a rule as follows:

**11 CSR 75-3.050 Waivers for Equivalent Training and/or
Experience is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 15, 1999 (24 MoReg 2967). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 75—Peace Officer Standards and Training
Program
Chapter 3—Certification of Bailiffs, Peace Officers,
and Reserve Officers**

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Public Safety under sections 590.115 and 590.140, RSMo Supp. 1999, the director amends a rule as follows:

11 CSR 75-3.060 Bailiff, Peace Officer, and Reserve Officer Certification is **amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 15, 1999 (24 MoReg 2967-2968). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 75—Peace Officer Standards and Training
Program
Chapter 3—Certification of Bailiffs, Peace Officers,
and Reserve Officers**

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Public Safety under sections 590.115 and 590.140, RSMo Supp. 1999, the director amends a rule as follows:

11 CSR 75-3.070 Request for Individual Qualification Evaluation—Procedures is **amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 15, 1999 (24 MoReg 2968). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 75—Peace Officer Standards and Training
Program
Chapter 3—Certification of Bailiffs, Peace Officers,
and Reserve Officers**

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Public Safety under sections 590.115 and 590.140, RSMo Supp. 1999, the director amends a rule as follows:

11 CSR 75-3.080 Suspension and Revocation of the Certification of a Bailiff, Peace Officer, or Reserve Officer is **amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 15, 1999 (24 MoReg 2968-2969). No changes have been made in the text of the proposed amendment, so it is not

reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 75—Peace Officer Standards and Training
Program
Chapter 10—Peace Officer Standards and Training
Commission Fund**

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Public Safety under sections 590.115 and 590.140, RSMo Supp. 1999, the director amends a rule as follows:

11 CSR 75-10.010 General Organization of Peace Officer Standards and Training (POST) Commission Fund is **amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 15, 1999 (24 MoReg 2969). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 75—Peace Officer Standards and Training
Program
Chapter 10—Peace Officer Standards and Training
Commission Fund**

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Public Safety under sections 590.115 and 590.140, RSMo Supp. 1999, the director amends a rule as follows:

11 CSR 75-10.020 Source of Funds—Terms and Conditions is **amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 15, 1999 (24 MoReg 2969). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 75—Peace Officer Standards and Training
Program
Chapter 10—Peace Officer Standards and Training
Commission Fund**

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Public Safety under sections 590.115 and 590.140, RSMo Supp. 1999, the director amends a rule as follows:

11 CSR 75-10.030 Eligible Applicants is **amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 15, 1999 (24 MoReg 2969-2970). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 75—Peace Officer Standards and Training
Program
Chapter 10—Peace Officer Standards and Training
Commission Fund**

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Public Safety under sections 590.115 and 590.140, RSMo Supp. 1999, the director amends a rule as follows:

11 CSR 75-10.040 Eligible Training is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 15, 1999 (24 MoReg 2970). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 75—Peace Officer Standards and Training
Program
Chapter 10—Peace Officer Standards and Training
Commission Fund**

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Public Safety under sections 590.115 and 590.140, RSMo Supp. 1999, the director amends a rule as follows:

11 CSR 75-10.050 Ineligible Training is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 15, 1999 (24 MoReg 2970). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 75—Peace Officer Standards and Training
Program
Chapter 10—Peace Officer Standards and Training
Commission Fund**

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Public Safety under sections 590.115 and 590.140, RSMo Supp. 1999, the director amends a rule as follows:

11 CSR 75-10.060 Eligible Cost Items is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 15, 1999 (24 MoReg 2970-2971). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 75—Peace Officer Standards and Training
Program
Chapter 10—Peace Officer Standards and Training
Commission Fund**

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Public Safety under sections 590.115 and 590.140, RSMo Supp. 1999, the director amends a rule as follows:

11 CSR 75-10.090 Application Procedures is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 15, 1999 (24 MoReg 2971). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 75—Peace Officer Standards and Training
Program
Chapter 10—Peace Officer Standards and Training
Commission Fund**

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Public Safety under sections 590.115 and 590.140, RSMo Supp. 1999, the director amends a rule as follows:

11 CSR 75-10.100 Distribution of POST Funds is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 15, 1999 (24 MoReg 2971-2972). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 75—Peace Officer Standards and Training
Program
Chapter 11—Continuing Education Requirements**

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Public Safety under sections 590.115 and 590.140, RSMo Supp. 1999, the director amends a rule as follows:

11 CSR 75-11.040 Suspension of the Certification of a Peace Officer, Reserve Officer or Chief Executive Officer for Failing to Maintain Minimum Continuing Education Requirements **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 15, 1999 (24 MoReg 2972-2973). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 5—City Sales Tax, Transportation Sales Tax
and Public Mass Transportation Tax**

ORDER OF RULEMAKING

By the authority vested in the director of revenue under section 32.087.6, RSMo 1994, the director rescinds a rule as follows:

12 CSR 10-5.015 Effective Date **is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 15, 1999 (24 MoReg 2973). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 5—City Sales Tax, Transportation Sales Tax
and Public Mass Transportation Tax**

ORDER OF RULEMAKING

By the authority vested in the director of revenue under section 32.087.6, RSMo 1994, the director rescinds a rule as follows:

12 CSR 10-5.020 Tax Imposed **is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 15, 1999 (24 MoReg 2973-2974). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 5—City Sales Tax, Transportation Sales Tax
and Public Mass Transportation Tax**

ORDER OF RULEMAKING

By the authority vested in the director of revenue under section 32.087.6, RSMo 1994, the director rescinds a rule as follows:

12 CSR 10-5.035 Deductions **is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 15, 1999 (24 MoReg 2974). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 5—City Sales Tax, Transportation Sales Tax
and Public Mass Transportation Tax**

ORDER OF RULEMAKING

By the authority vested in the director of revenue under section 32.087.6, RSMo 1994, the director rescinds a rule as follows:

12 CSR 10-5.105 Erroneous Business Locations Transfers from City-to-City **is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 15, 1999 (24 MoReg 2974). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 5—City Sales Tax, Transportation Sales Tax
and Public Mass Transportation Tax**

ORDER OF RULEMAKING

By the authority vested in the director of revenue under section 32.087.6, RSMo 1994, the director rescinds a rule as follows:

12 CSR 10-5.520 Effective Date **is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 15, 1999 (24 MoReg 2974). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 11—County Sales Tax**

ORDER OF RULEMAKING

By the authority vested in the director of revenue under section 32.087.6, RSMo 1994, the director rescinds a rule as follows:

12 CSR 10-11.030 Effective Date **is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 15, 1999 (24 MoReg 2974-2975). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 11—County Sales Tax**

ORDER OF RULEMAKING

By the authority vested in the director of revenue under section 32.087.6, RSMo 1994, the director rescinds a rule as follows:

12 CSR 10-11.040 Tax Imposed is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 15, 1999 (24 MoReg 2975). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 11—County Sales Tax**

ORDER OF RULEMAKING

By the authority vested in the director of revenue under section 32.087.6, RSMo 1994, the director rescinds a rule as follows:

12 CSR 10-11.090 When County Tax Applies is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 15, 1999 (24 MoReg 2975). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 11—County Sales Tax**

ORDER OF RULEMAKING

By the authority vested in the director of revenue under section 32.087.6, RSMo 1994, the director rescinds a rule as follows:

12 CSR 10-11.190 Erroneous Business Locations—Transfers from County-to-County is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 15, 1999 (24 MoReg 2975). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission

becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 11—County Sales Tax**

ORDER OF RULEMAKING

By the authority vested in the director of revenue under section 66.620, RSMo 1994, the director rescinds a rule as follows:

12 CSR 10-11.200 Adjustment to Decennial Census by St. Louis County Area is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 15, 1999 (24 MoReg 2975-2976). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 11—County Sales Tax**

ORDER OF RULEMAKING

By the authority vested in the director of revenue under section 66.620, RSMo 1994, the director rescinds a rule as follows:

12 CSR 10-11.210 Distribution of Delinquent Sales Taxes (St. Louis County Area) is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 15, 1999 (24 MoReg 2976). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 11—County Sales Tax**

ORDER OF RULEMAKING

By the authority vested in the director of revenue under section 66.620, RSMo 1994, the director rescinds a rule as follows:

12 CSR 10-11.230 Adjustments Based Upon Annexation by Political Subdivisions (St. Louis County) is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 15, 1999 (24 MoReg 2976). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 23—Motor Vehicle**

ORDER OF RULEMAKING

By the authority vested in the director of revenue under section 301.139, RSMo Supp. 1999, the director adopts a rule as follows:

12 CSR 10-23.450 Guidelines for Use of Handicapped Parking Cones **is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on December 1, 1999 (24 MoReg 2775-2776). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 24—Drivers License Bureau Rules**

ORDER OF RULEMAKING

By the authority vested in the director of revenue under sections 302.304 and 302.309, RSMo Supp. 1999, and 303.041, RSMo 1994 the director amends a rule as follows:

12 CSR 10-24.050 Deletion of Traffic Convictions and Suspension or Revocation Data from Missouri Driver Records **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 15, 1999 (24 MoReg 2976-2977). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 26—Dealer Licensure**

ORDER OF RULEMAKING

By the authority vested in the director of revenue under sections 301.553 and 301.560, RSMo Supp. 1999, the director adopts a rule as follows:

12 CSR 10-26.010 Bona Fide Established Place of Business **is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on December 1, 1999 (24 MoReg 2776-2778). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 26—Dealer Licensure**

ORDER OF RULEMAKING

By the authority vested in the director of revenue under sections 301.550, 301.559 and 301.560, RSMo Supp. 1999, the director adopts a rule as follows:

12 CSR 10-26.030 License Renewal **is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on December 1, 1999 (24 MoReg 2781-2783). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 26—Dealer Licensure**

ORDER OF RULEMAKING

By the authority vested in the director of revenue under sections 301.553 and 301.560, RSMo Supp. 1999, the director adopts a rule as follows:

12 CSR 10-26.040 Fees **is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on December 1, 1999 (24 MoReg 2784-2786). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 26—Dealer Licensure**

ORDER OF RULEMAKING

By the authority vested in the director of revenue under sections 301.553 and 301.560, RSMo Supp. 1999, the director adopts a rule as follows:

12 CSR 10-26.050 Business Records Required to be Maintained by Licensees **is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on December 1, 1999 (24 MoReg 2787-2788). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 26—Dealer Licensure**

ORDER OF RULEMAKING

By the authority vested in the director of revenue under sections 301.550–301.573, RSMo 1994 and Supp. 1999, the director adopts a rule as follows:

12 CSR 10-26.070 Procedural Requirements for Wholesale Motor Vehicle Auctions **is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on December 1, 1999 (24 MoReg 2791–2792). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 26—Dealer Licensure**

ORDER OF RULEMAKING

By the authority vested in the director of revenue under sections 301.550–301.573, RSMo 1994 and Supp. 1999, the director adopts a rule as follows:

12 CSR 10-26.080 Procedural Requirements for Public Motor Vehicle Auctions **is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on December 1, 1999 (24 MoReg 2793–2794). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 26—Dealer Licensure**

ORDER OF RULEMAKING

By the authority vested in the director of revenue under sections 301.553 and 301.566, RSMo Supp. 1999, the director adopts a rule as follows:

12 CSR 10-26.090 Regulation of Off-Premise Shows and Tent Sales **is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on December 1, 1999 (24 MoReg 2795–2796). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 26—Dealer Licensure**

ORDER OF RULEMAKING

By the authority vested in the director of revenue under sections 301.550.3 and 301.553, RSMo Supp. 1999, the director adopts a rule as follows:

12 CSR 10-26.110 Antique Motor Vehicle **is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on December 1, 1999 (24 MoReg 2799–2800). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 26—Dealer Licensure**

ORDER OF RULEMAKING

By the authority vested in the director of revenue under sections 301.553 and 301.557, RSMo Supp. 1999, the director adopts a rule as follows:

12 CSR 10-26.120 Procedures for Handling Complaints **is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on December 1, 1999 (24 MoReg 2801–2802). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 26—Dealer Licensure**

ORDER OF RULEMAKING

By the authority vested in the director of revenue under sections 301.553 and 301.562, RSMo Supp. 1999, the director adopts a rule as follows:

12 CSR 10-26.130 Review of License Denial or Disciplinary Action **is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on December 1, 1999 (24 MoReg 2803–2804). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 26—Dealer Licensure**

ORDER OF RULEMAKING

By the authority vested in the director of revenue under section 301.553, RSMo Supp. 1999, the director adopts a rule as follows:

12 CSR 10-26.140 Hearing Procedures is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on December 1, 1999 (24 MoReg 2805-2806). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 26—Dealer Licensure**

ORDER OF RULEMAKING

By the authority vested in the director of revenue under section 301.553, RSMo Supp. 1999, the director adopts a rule as follows:

12 CSR 10-26.150 Designated Hearing Officer is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on December 1, 1999 (24 MoReg 2807-2808). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 26—Dealer Licensure**

ORDER OF RULEMAKING

By the authority vested in the director of revenue under section 301.553, RSMo Supp. 1999, the director adopts a rule as follows:

12 CSR 10-26.160 Waiver of Hearing is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on December 1, 1999 (24 MoReg 2809-2810). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 26—Dealer Licensure**

ORDER OF RULEMAKING

By the authority vested in the director of revenue under section 301.553, RSMo Supp. 1999, the director adopts a rule as follows:

12 CSR 10-26.170 Prehearing Conferences and Stipulations is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on December 1, 1999 (24 MoReg 2811-2812). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 41—General Tax Provisions**

ORDER OF RULEMAKING

By the authority vested in the director of revenue under section 32.065, RSMo Supp. 1999, the director amends a rule as follows:

12 CSR 10-41.010 Annual Adjusted Rate of Interest is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 15, 1999 (24 MoReg 2977). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 103—Sales/Use Tax—Imposition of Tax**

ORDER OF RULEMAKING

By the authority vested in the director of revenue under sections 144.270 and 144.705, RSMo 1994, the director adopts a rule as follows:

12 CSR 10-103.360 Titling and Sales Tax Treatment of Boats and Outboard Motors is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on December 15, 1999 (24 MoReg 2977-2978). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 103—Sales/Use Tax—Imposition of Tax**

ORDER OF RULEMAKING

By the authority vested in the director of revenue under sections 144.270 and 144.705, RSMo 1994, the director adopts a rule as follows:

12 CSR 10-103.390 Veterinary Transactions is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on December 15, 1999 (24 MoReg 2978–2979). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 103—Sales/Use Tax—Imposition of Tax**

ORDER OF RULEMAKING

By the authority vested in the director of revenue under sections 144.270 and 144.705, RSMo 1994, the director adopts a rule as follows:

12 CSR 10-103.500 Sales of Food and Beverages to and by Public Carriers **is adopted**.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on December 15, 1999 (24 MoReg 2979–2980). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 12—DEPARTMENT OF REVENUE
Division 101—Director of Revenue
Chapter 112—Sales/Use Tax—Contractors**

ORDER OF RULEMAKING

By the authority vested in the director of revenue under sections 144.270 and 144.705, RSMo 1994, the director adopts a rule as follows:

12 CSR 10-112.300 Sales to the United States Government and Government Contractors **is adopted**.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on December 15, 1999 (24 MoReg 2981–2982). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

This section may contain notice of hearings, correction notices, public information notices, rule action notices, statements of actual costs and other items required to be published in the *Missouri Register* by law.

**Title 19—DEPARTMENT OF HEALTH
Division 60—Missouri Health Facilities Review Committee
Chapter 50—Certificate of Need Program
Affected Persons and Press Notification Form**

In accordance with §197.330.1 (2), RSMo and 19 CSR 60-50.400 (6) (A) of the Missouri Rules, the Missouri Health Facilities Review Committee is herein publishing "written notification to affected persons" of Certificate of Need applications which are beginning review at this time.

**Certificate of Need Application Review Schedule
Tentative Meeting Date: April 3, 2000, 9:00 a.m.
Senate Hearing Rooms 2/3, State Capitol, Jefferson City**

Application Project Number & Name/Cost & Description/City & County

1. **#2893 NP:** Raymore Health Care
600 East Sunrise Drive, Raymore (Cass County)
\$2,900,000, LTC bed expansion of 70 SNF beds
through the purchase of 70 SNF beds from
Milan Community Care, 611 West Third Street, Milan (Sullivan County)
2. **#2894 NP:** Blue River Care Center
10425 Chestnut, Kansas City (Jackson County)
\$1,540,000, LTC bed expansion of 30 SNF beds
through the purchase of 11 SNF beds from
Milan Community Care, 611 West Third Street, Milan (Sullivan County)
and the purchase of 19 ICF beds from
Gallatin Sunrise Center, 611 West Johnson, Gallitan (Daviness County)
3. **#2955 NS:** Beverly Healthcare
Lots 3 and 4, 240 Branson Meadows Drive, Branson (Taney County)
\$5,095,563, 15-mile replacement of 100-bed SNF previously at
996 W. State Highway 248, Branson (Taney County)
4. **#2939 RS:** The Dunn-Dunn House
9725 Jacobi Avenue, St. Louis (St. Louis County)
\$495,787, Six-mile replacement of 5 RCF I beds previously at
1011 Crown Point Drive, St. Louis (St. Louis County)

**The abbreviated applications listed above are in addition to the
six CON applications for which the review schedule has already been published.**

(Note: "RCF" means residential care facility, "ICF" means intermediate care facility, and "SNF" means skilled nursing facility as defined in Chapter 198, RSMo.)

The Missouri Health Facilities Review Committee has initiated review of the applications listed above. These applications are available for public inspection at the address shown below.

Any person wishing to request a public hearing for the purpose of commenting on any of these applications must submit a written request to this effect which is received in the office listed below by March 23, 2000. All written requests and comments should be sent to:
Chairman, Missouri Health Facilities Review Committee
c/o Certificate of Need Program, 915G Leslie Blvd., Jefferson City, MO 65101

For additional information contact Mike Henry, 573-751-6403 or mhenry@mail.state.mo.us
Notification of Review Publication Date: February 23, 2000

**OFFICE OF ADMINISTRATION
Division of Purchasing**

BID OPENINGS

Sealed Bids in one (1) copy will be received by the Division of Purchasing, Room 580, Truman Building, P.O. Box 809, Jefferson City, MO 65102, telephone (573) 751-2387 at 2:00 p.m. on dates specified below for various agencies throughout Missouri. Bids are available to download via our homepage: <http://www.state.mo.us/oa/purch/purch.htm>. Prospective bidders may receive specifications upon request.

B3Z00110 Janitorial Services 4/3/00;
B3Z00141 Exhibit: Design, Fabrication, Installation 4/3/00;
B3Z00144 Elevator Maintenance Services 4/3/00;
B3Z00152 Printing: Carbonless Forms 4/4/00;
B1Z00356 Food Service Equipment 4/5/00;
B1Z00360 Brake Pads: Police Car 4/6/00;
B1Z00361 Oil: Motor 4/6/00;
B3Z00109 Legal Counsel Services-Washington DC 4/6/00;
B3Z00153 Digital Art/Digital Animation Services 4/7/00;
B1Z00362 Lawn Equipment 4/10/00;
B3Z00156 Janitorial Services 4/10/00;
B3Z00112 Janitorial Services 4/17/00;
B3Z00145 Parent Advisor 4/17/00;
B3Z00114 Seminars-Solid Waste Disposal 4/18/00;
B3Z00117 Consulting Services/Telecommunications 4/25/00.

It is the intent of the state of Missouri, Division of Purchasing to purchase the following as a single feasible source without competitive bids. If suppliers exist other than the one identified, contact (573) 751-2387 immediately.

Consulting Services: Adolescent Medicine, supplied by Daryl Lynch, M.D.

Lucent Technologies Telephone System Upgrade, supplied by Lucent Technologies

- 1.) Refugee Program Targeted Assistance Formula, supplied by International Institute of St. Louis.
- 2.) Missouri Child Care Consumer Education Campaign, supplied by Missouri Child Care Resource and Referral Network.

Joyce Murphy, CPPO,
Director of Purchasing

Rule Changes Since Update to Code of State Regulations

This cumulative table gives you the latest status of rules. It contains citations of rulemakings adopted or proposed after deadline for the monthly Update Service to the *Code of State Regulations*, citations are to volume and page number in the *Missouri Register*, except for material in this issue. The first number in the table cite refers to the volume number or the publication year—23 (1998), 24 (1999) and 25 (2000). MoReg refers to *Missouri Register* and the numbers refer to a specific *Register* page, R indicates a rescission, W indicates a withdrawal, S indicates a statement of actual cost, T indicates an order terminating a rule, N.A. indicates not applicable and RUC indicates a rule under consideration.

Rule Number	Agency	Emergency	Proposed	Order	In Addition
OFFICE OF ADMINISTRATION					
1 CSR 10	State Officials' Salary Compensation Schedule				23 MoReg 2473 24 MoReg 2535
1 CSR 10-15.010	Commissioner of Administration	25 MoReg 143	24 MoReg 2577	25 MoReg 298	
1 CSR 20-5.010	Personnel Advisory Board		24 MoReg 2578	25 MoReg 696	
1 CSR 20-5.015	Personnel Advisory Board		24 MoReg 2578	25 MoReg 697	
1 CSR 20-5.020	Personnel Advisory Board		24 MoReg 2579	25 MoReg 697	
1 CSR 20-5.025	Personnel Advisory Board		24 MoReg 2580	25 MoReg 699	
DEPARTMENT OF AGRICULTURE					
2 CSR 10-5.005	Market Development	24 MoReg 2269			
2 CSR 10-5.010	Market Development		23 MoReg 2676	25 MoReg 563	
2 CSR 30-2.020	Animal Health		25 MoReg 633		
2 CSR 60-1.010	Grain Inspection and Warehousing		24 MoReg 2755		
2 CSR 60-4.011	Grain Inspection and Warehousing		24 MoReg 2755		
2 CSR 60-4.040	Grain Inspection and Warehousing		24 MoReg 2755R		
2 CSR 60-4.070	Grain Inspection and Warehousing		24 MoReg 2756		
2 CSR 60-4.110	Grain Inspection and Warehousing		24 MoReg 2756		
2 CSR 60-4.140	Grain Inspection and Warehousing		24 MoReg 2757		
2 CSR 60-4.150	Grain Inspection and Warehousing		24 MoReg 2758		
2 CSR 60-4.180	Grain Inspection and Warehousing		24 MoReg 2758		
2 CSR 60-5.010	Grain Inspection and Warehousing		24 MoReg 2759		
2 CSR 60-5.020	Grain Inspection and Warehousing		24 MoReg 2759R		
			24 MoReg 2759		
2 CSR 60-5.030	Grain Inspection and Warehousing		24 MoReg 2760R		
2 CSR 60-5.040	Grain Inspection and Warehousing		24 MoReg 2760		
2 CSR 60-5.050	Grain Inspection and Warehousing		24 MoReg 2760		
2 CSR 60-5.070	Grain Inspection and Warehousing		24 MoReg 2761		
2 CSR 60-5.080	Grain Inspection and Warehousing		24 MoReg 2761		
2 CSR 60-5.100	Grain Inspection and Warehousing		24 MoReg 2762		
2 CSR 60-5.120	Grain Inspection and Warehousing		24 MoReg 2763		
2 CSR 80-2.180	State Milk Board	24 MoReg 2675	24 MoReg 2764	25 MoReg 699	
2 CSR 80-5.010	State Milk Board		25 MoReg 357		
2 CSR 90-20.040	Weights and Measures		This Issue		
2 CSR 90-22.140	Weights and Measures		This Issue		
2 CSR 90-25.010	Weights and Measures		This Issue		
DEPARTMENT OF CONSERVATION					
3 CSR 10-1.010	Conservation Commission		24 MoReg 2764	25 MoReg 429	
			25 MoReg 477		
3 CSR 10-4.115	Conservation Commission		24 MoReg 2581	25 MoReg 50	
			25 MoReg 259		
3 CSR 10-4.116	Conservation Commission		24 MoReg 2582	25 MoReg 50	
			25 MoReg 633		
3 CSR 10-6.405	Conservation Commission		24 MoReg 2586	25 MoReg 51	
			25 MoReg 260		
3 CSR 10-7.440	Conservation Commission		N.A.	25 MoReg 298	
3 CSR 10-7.455	Conservation Commission				24 MoReg 2989
DEPARTMENT OF ECONOMIC DEVELOPMENT					
4 CSR 10-2.160	Missouri State Board of Accountancy		24 MoReg 2625	25 MoReg 429	
4 CSR 40-1.021	Office of Athletics	21 MoReg 2680			
4 CSR 40-5.070	Office of Athletics	21 MoReg 1963			
4 CSR 100	Division of Credit Unions				25 MoReg 116 25 MoReg 225 25 MoReg 225 25 MoReg 724 25 MoReg 724 25 MoReg 724
4 CSR 100-2.190	Division of Credit Unions		25 MoReg 261		
4 CSR 105-3.040	Credit Union Commission		25 MoReg 360		
4 CSR 110-2.001	Missouri Dental Board		25 MoReg 477		
4 CSR 110-2.130	Missouri Dental Board		25 MoReg 478R		
			25 MoReg 478		
4 CSR 120-2.100	Board of Embalmers and Funeral Directors		25 MoReg 261		
4 CSR 150-2.001	State Board of Registration for the Healing Arts		25 MoReg 485		
4 CSR 150-2.005	State Board of Registration for the Healing Arts		25 MoReg 485		

Rule Number	Agency	Emergency	Proposed	Order	In Addition
4 CSR 150-2.065	State Board of Registration for the Healing Arts	.....	25 MoReg 485		
4 CSR 150-2.080	State Board of Registration for the Healing Arts	.....	25 MoReg 261		
4 CSR 150-2.100	State Board of Registration for the Healing Arts	.....	25 MoReg 486		
4 CSR 150-3.203	State Board of Registration for the Healing Arts	.....	25 MoReg 486		
4 CSR 150-4.051	State Board of Registration for the Healing Arts	.....	25 MoReg 487		
4 CSR 150-4.055	State Board of Registration for the Healing Arts	.....	25 MoReg 487		
4 CSR 150-4.060	State Board of Registration for the Healing Arts	.....	25 MoReg 488		
4 CSR 150-4.105	State Board of Registration for the Healing Arts	.....	25 MoReg 488		
4 CSR 150-4.110	State Board of Registration for the Healing Arts	.....	25 MoReg 489R		
		.....	25 MoReg 489		
4 CSR 150-4.115	State Board of Registration for the Healing Arts	.....	25 MoReg 490R		
		.....	25 MoReg 490		
4 CSR 150-4.120	State Board of Registration for the Healing Arts	.....	25 MoReg 491R		
		.....	25 MoReg 491		
4 CSR 150-4.125	State Board of Registration for the Healing Arts	.....	25 MoReg 496		
4 CSR 150-4.130	State Board of Registration for the Healing Arts	.....	25 MoReg 496		
4 CSR 150-4.200	State Board of Registration for the Healing Arts	.....	25 MoReg 496		
4 CSR 150-4.201	State Board of Registration for the Healing Arts	.....	25 MoReg 497		
4 CSR 150-4.203	State Board of Registration for the Healing Arts	.....	25 MoReg 497		
4 CSR 150-4.205	State Board of Registration for the Healing Arts	.....	25 MoReg 498		
4 CSR 150-4.210	State Board of Registration for the Healing Arts	.....	25 MoReg 503		
4 CSR 150-4.215	State Board of Registration for the Healing Arts	.....	25 MoReg 503		
4 CSR 150-6.020	State Board of Registration for the Healing Arts	.....	25 MoReg 507		
4 CSR 150-6.025	State Board of Registration for the Healing Arts	.....	25 MoReg 507		
4 CSR 150-6.030	State Board of Registration for the Healing Arts	.....	25 MoReg 512		
4 CSR 150-6.060	State Board of Registration for the Healing Arts	.....	25 MoReg 512		
4 CSR 150-6.070	State Board of Registration for the Healing Arts	.....	25 MoReg 517		
4 CSR 150-7.100	State Board of Registration for the Healing Arts	.....	25 MoReg 517		
4 CSR 150-7.120	State Board of Registration for the Healing Arts	.....	25 MoReg 517		
4 CSR 150-7.122	State Board of Registration for the Healing Arts	.....	25 MoReg 518		
4 CSR 150-7.125	State Board of Registration for the Healing Arts	.....	25 MoReg 518		
4 CSR 150-7.140	State Board of Registration for the Healing Arts	.....	25 MoReg 519		
4 CSR 150-7.200	State Board of Registration for the Healing Arts	.....	25 MoReg 521		
4 CSR 150-7.300	State Board of Registration for the Healing Arts	.....	25 MoReg 521		
4 CSR 150-7.310	State Board of Registration for the Healing Arts	.....	25 MoReg 527		
4 CSR 155-1.010	Office of Health Care Providers	.....	25 MoReg 531		
4 CSR 155-1.020	Office of Health Care Providers	.....	25 MoReg 531		
4 CSR 193-1.010	Interior Design Council	.....	This Issue		
4 CSR 193-1.020	Interior Design Council	.....	This Issue		
4 CSR 193-1.030	Interior Design Council	.....	This Issue		
4 CSR 193-2.010	Interior Design Council	.....	This Issue		
4 CSR 193-2.020	Interior Design Council	.....	This Issue		
4 CSR 193-2.030	Interior Design Council	.....	This Issue		
4 CSR 193-2.040	Interior Design Council	.....	This Issue		
4 CSR 193-3.010	Interior Design Council	.....	This Issue		
4 CSR 193-3.020	Interior Design Council	.....	This Issue		
4 CSR 193-4.010	Interior Design Council	.....	This Issue		
4 CSR 193-5.010	Interior Design Council	.....	This Issue		
4 CSR 193-6.010	Interior Design Council	.....	This Issue		
4 CSR 193-6.020	Interior Design Council	.....	This Issue		
4 CSR 193-6.030	Interior Design Council	.....	This Issue		
4 CSR 195-5.010	Workforce Development	.....	24 MoReg 2314		
4 CSR 195-5.020	Workforce Development	.....	24 MoReg 2315		
4 CSR 195-5.030	Workforce Development	.....	24 MoReg 2318		
4 CSR 197-1.010	Board of Therapeutic Massage	.....	This Issue		
4 CSR 197-1.020	Board of Therapeutic Massage	.....	This Issue		
4 CSR 197-1.030	Board of Therapeutic Massage	.....	This Issue		
4 CSR 197-1.040	Board of Therapeutic Massage	.....	This Issue		
4 CSR 197-2.010	Board of Therapeutic Massage	.....	This Issue		
4 CSR 197-2.020	Board of Therapeutic Massage	.....	This Issue		
4 CSR 197-2.030	Board of Therapeutic Massage	.....	This Issue		
4 CSR 197-2.040	Board of Therapeutic Massage	.....	This Issue		
4 CSR 197-2.050	Board of Therapeutic Massage	.....	This Issue		
4 CSR 197-3.010	Board of Therapeutic Massage	.....	This Issue		
4 CSR 197-4.010	Board of Therapeutic Massage	.....	This Issue		
4 CSR 197-4.020	Board of Therapeutic Massage	.....	This Issue		
4 CSR 197-5.010	Board of Therapeutic Massage	.....	This Issue		
4 CSR 197-5.020	Board of Therapeutic Massage	.....	This Issue		
4 CSR 197-5.030	Board of Therapeutic Massage	.....	This Issue		
4 CSR 197-5.040	Board of Therapeutic Massage	.....	This Issue		
4 CSR 197-6.010	Board of Therapeutic Massage	.....	This Issue		
4 CSR 197-6.020	Board of Therapeutic Massage	.....	This Issue		
4 CSR 210-2.060	State Board of Optometry	.....	22 MoReg 1443		
4 CSR 230-2.070	Board of Podiatric Medicine	.....	25 MoReg 531		
4 CSR 240-2.010	Public Service Commission	.....	24 MoReg 2318R	25 MoReg 563R	
		.....	24 MoReg 2318	25 MoReg 563	
4 CSR 240-2.015	Public Service Commission	.....	24 MoReg 2319	25 MoReg 565	
4 CSR 240-2.040	Public Service Commission	.....	24 MoReg 2320R	25 MoReg 565R	
		.....	24 MoReg 2320	25 MoReg 565	
4 CSR 240-2.050	Public Service Commission	.....	24 MoReg 2320R	25 MoReg 566R	
		.....	24 MoReg 2321	25 MoReg 566	
4 CSR 240-2.060	Public Service Commission	.....	24 MoReg 2321R	25 MoReg 567R	
		.....	24 MoReg 2321	25 MoReg 567	

Rule Number	Agency	Emergency	Proposed	Order	In Addition
4 CSR 240-2.065	Public Service Commission	24	MoReg 2324R	25	MoReg 569R
4 CSR 240-2.070	Public Service Commission	24	MoReg 2324	25	MoReg 569
	.....	24	MoReg 2325R	25	MoReg 569R
	.....	24	MoReg 2325	25	MoReg 570
4 CSR 240-2.075	Public Service Commission	24	MoReg 2326R	25	MoReg 570R
	.....	24	MoReg 2326	25	MoReg 570
4 CSR 240-2.080	Public Service Commission	24	MoReg 2327R	25	MoReg 571R
	.....	24	MoReg 2327	25	MoReg 571
4 CSR 240-2.085	Public Service Commission	24	MoReg 2328	25	MoReg 573
4 CSR 240-2.090	Public Service Commission	24	MoReg 2329R	25	MoReg 574R
	.....	24	MoReg 2329	25	MoReg 574
4 CSR 240-2.100	Public Service Commission	24	MoReg 2330R	25	MoReg 575R
	.....	24	MoReg 2330	25	MoReg 575
4 CSR 240-2.110	Public Service Commission	24	MoReg 2330R	25	MoReg 576R
	.....	24	MoReg 2331	25	MoReg 576
4 CSR 240-2.115	Public Service Commission	24	MoReg 2331R	25	MoReg 577R
	.....	24	MoReg 2332	25	MoReg 577
4 CSR 240-2.116	Public Service Commission	24	MoReg 2332R	25	MoReg 577R
	.....	24	MoReg 2332	25	MoReg 577
4 CSR 240-2.120	Public Service Commission	24	MoReg 2333R	25	MoReg 578R
	.....	24	MoReg 2333	25	MoReg 578
4 CSR 240-2.125	Public Service Commission	24	MoReg 2333R	25	MoReg 578R
	.....	24	MoReg 2333	25	MoReg 578
4 CSR 240-2.130	Public Service Commission	24	MoReg 2334R	25	MoReg 579R
	.....	24	MoReg 2334	25	MoReg 579
4 CSR 240-2.140	Public Service Commission	24	MoReg 2336R	25	MoReg 581R
	.....	24	MoReg 2336	25	MoReg 581
4 CSR 240-2.150	Public Service Commission	24	MoReg 2336R	25	MoReg 581R
	.....	24	MoReg 2336	25	MoReg 581
4 CSR 240-2.160	Public Service Commission	24	MoReg 2337R	25	MoReg 581R
	.....	24	MoReg 2337	25	MoReg 582
4 CSR 240-2.170	Public Service Commission	24	MoReg 2338R	25	MoReg 582R
4 CSR 240-2.180	Public Service Commission	24	MoReg 2338R	25	MoReg 582R
	.....	24	MoReg 2338	25	MoReg 582
4 CSR 240-2.200	Public Service Commission	24	MoReg 2339R	25	MoReg 583R
	.....	24	MoReg 2339	25	MoReg 583
4 CSR 240-32.110	Public Service Commission	24	MoReg 2341	25	MoReg 584
4 CSR 240-32.120	Public Service Commission	24	MoReg 2344	25	MoReg 586
4 CSR 240-33.010	Public Service Commission	24	MoReg 2347R	25	MoReg 699R
	.....	24	MoReg 2347	25	MoReg 699
4 CSR 240-33.020	Public Service Commission	24	MoReg 2347R	25	MoReg 700R
	.....	24	MoReg 2348	25	MoReg 700
4 CSR 240-33.040	Public Service Commission	24	MoReg 2351R	25	MoReg 702R
	.....	24	MoReg 2351	25	MoReg 702
4 CSR 240-33.050	Public Service Commission	24	MoReg 2355R	25	MoReg 706R
	.....	24	MoReg 2355	25	MoReg 706
4 CSR 240-33.060	Public Service Commission	24	MoReg 2359R	25	MoReg 709R
	.....	24	MoReg 2359	25	MoReg 709
4 CSR 240-33.070	Public Service Commission	24	MoReg 2362R	25	MoReg 711R
	.....	24	MoReg 2362	25	MoReg 711
4 CSR 240-33.080	Public Service Commission	24	MoReg 2367R	25	MoReg 715R
	.....	24	MoReg 2367	25	MoReg 715
4 CSR 240-33.090	Public Service Commission	24	MoReg 2371R	25	MoReg 717R
	.....	24	MoReg 2371	25	MoReg 717
4 CSR 240-33.100	Public Service Commission	24	MoReg 2371R	25	MoReg 717R
	.....	24	MoReg 2372	25	MoReg 717
4 CSR 240-33.110	Public Service Commission	24	MoReg 2372R	25	MoReg 718R
	.....	24	MoReg 2372	25	MoReg 718
4 CSR 240-33.120	Public Service Commission	24	MoReg 2373	25	MoReg 718
4 CSR 240-33.130	Public Service Commission	24	MoReg 2376	25	MoReg 719
4 CSR 240-33.140	Public Service Commission	24	MoReg 2376	25	MoReg 720
4 CSR 240-33.150	Public Service Commission	24	MoReg 2747T		
4 CSR 250-8.020	Missouri Real Estate Commission	25	MoReg 360		
4 CSR 250-8.070	Missouri Real Estate Commission	25	MoReg 360		
4 CSR 250-8.090	Missouri Real Estate Commission	25	MoReg 361		
4 CSR 250-8.095	Missouri Real Estate Commission	25	MoReg 363R		
	.....	25	MoReg 363		
4 CSR 250-8.096	Missouri Real Estate Commission	25	MoReg 365		
4 CSR 250-8.097	Missouri Real Estate Commission	25	MoReg 365		
4 CSR 250-8.160	Missouri Real Estate Commission	25	MoReg 366		
4 CSR 250-8.210	Missouri Real Estate Commission	25	MoReg 366		
4 CSR 255-1.040	Missouri Board for Respiratory Care	25	MoReg 262		
4 CSR 255-2.040	Missouri Board for Respiratory Care	25	MoReg 262		
4 CSR 255-2.050	Missouri Board for Respiratory Care	25	MoReg 262		
4 CSR 255-2.060	Missouri Board for Respiratory Care	25	MoReg 263		
4 CSR 255-3.010	Missouri Board for Respiratory Care	25	MoReg 263		
4 CSR 255-4.010	Missouri Board for Respiratory Care	25	MoReg 264		
4 CSR 265-10.025	Division of Motor Carrier and Railroad Safety	24	MoReg 2203	25	MoReg 429

DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION

5 CSR 30-345.010	Division of School Services	25	MoReg 533		
5 CSR 30-345.020	Division of School Services	24	MoReg 2627	25	MoReg 431

Rule Number	Agency	Emergency	Proposed	Order	In Addition
5 CSR 30-345.030	Division of School Services	24	MoReg 2628	.....25	MoReg 433
5 CSR 50-270.050	Division of Instruction	24	MoReg 877		
5 CSR 50-340.010	Division of Instruction	25	MoReg 533R		
5 CSR 80-800.400	Urban and Teacher Education	25	MoReg 533		
5 CSR 90-4.100	Vocational Rehabilitation	25	MoReg 367		
5 CSR 90-4.110	Vocational Rehabilitation	25	MoReg 367		
5 CSR 90-4.120	Vocational Rehabilitation	25	MoReg 368		
5 CSR 90-4.200	Vocational Rehabilitation	25	MoReg 368		
5 CSR 90-4.300	Vocational Rehabilitation	25	MoReg 370		
5 CSR 90-4.400	Vocational Rehabilitation	25	MoReg 370		
5 CSR 90-4.410	Vocational Rehabilitation	25	MoReg 371		
5 CSR 90-4.420	Vocational Rehabilitation	25	MoReg 371		
5 CSR 90-4.430	Vocational Rehabilitation	25	MoReg 374		
5 CSR 90-5.400	Vocational Rehabilitation	25	MoReg 376		
5 CSR 90-5.410	Vocational Rehabilitation	25	MoReg 379		
5 CSR 90-5.420	Vocational Rehabilitation	25	MoReg 379		
5 CSR 90-5.430	Vocational Rehabilitation	25	MoReg 382		
5 CSR 90-5.440	Vocational Rehabilitation	25	MoReg 384		
5 CSR 90-5.450	Vocational Rehabilitation	25	MoReg 387		
5 CSR 90-5.460	Vocational Rehabilitation	25	MoReg 389		
DEPARTMENT OF TRANSPORTATION					
7 CSR 10-2.010	Highways and Transportation Commission	24	MoReg 1367R		
	.....	24	MoReg 1367		
	.....	24	MoReg 2919R		
	.....	24	MoReg 2940R		
	.....	24	MoReg 2919		
	.....	24	MoReg 2940		
7 CSR 10-6.010	Highways and Transportation Commission	24	MoReg 765		
	.....	24	MoReg 2377	.....25	MoReg 433
7 CSR 10-6.015	Highways and Transportation Commission	24	MoReg 766		
	.....	24	MoReg 2378	.....25	MoReg 433
7 CSR 10-6.040	Highways and Transportation Commission	24	MoReg 767		
	.....	24	MoReg 2379	.....25	MoReg 435
7 CSR 10-6.050	Highways and Transportation Commission	24	MoReg 768		
	.....	24	MoReg 2381	.....25	MoReg 436
7 CSR 10-6.060	Highways and Transportation Commission	24	MoReg 769		
	.....	24	MoReg 2381	.....25	MoReg 437
7 CSR 10-6.070	Highways and Transportation Commission	24	MoReg 770		
	.....	24	MoReg 2382	.....25	MoReg 437
7 CSR 10-6.085	Highways and Transportation Commission	24	MoReg 773		
	.....	24	MoReg 2385	.....25	MoReg 440
7 CSR 10-10.010	Highways and Transportation Commission	24	MoReg 2932		
	.....	24	MoReg 2956		
7 CSR 10-10.040	Highways and Transportation Commission	24	MoReg 2933		
	.....	24	MoReg 2957		
7 CSR 10-10.050	Highways and Transportation Commission	24	MoReg 2933		
	.....	24	MoReg 2957		
7 CSR 10-10.070	Highways and Transportation Commission	24	MoReg 2934		
	.....	24	MoReg 2958		
7 CSR 10 14.010	Highways and Transportation Commission	25	MoReg 635		
7 CSR 10 14.020	Highways and Transportation Commission	25	MoReg 629		
	.....	25	MoReg 639		
7 CSR 10 14.030	Highways and Transportation Commission	25	MoReg 629		
	.....	25	MoReg 639		
7 CSR 10 14.040	Highways and Transportation Commission	25	MoReg 630		
	.....	25	MoReg 640		
7 CSR 10 14.050	Highways and Transportation Commission	25	MoReg 640		
7 CSR 10 14.060	Highways and Transportation Commission	25	MoReg 641		
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS					
8 CSR 50-2.030	Workers' Compensation	25	MoReg 536R		
	.....	25	MoReg 536		
8 CSR 50-4.010	Workers' Compensation	25	MoReg 537R		
	.....	25	MoReg 538		
8 CSR 60-3.040	Commission on Human Rights	24	MoReg 2565	.....25	MoReg 299W...25 MoReg 598RUC
	.....	25	MoReg 144T		
DEPARTMENT OF MENTAL HEALTH					
9 CSR 10-7.010	Director, Department of Mental Health	24	MoReg 2875RUC		
9 CSR 10-7.020	Director, Department of Mental Health	24	MoReg 2877RUC		
9 CSR 10-7.030	Director, Department of Mental Health	24	MoReg 2879RUC		
9 CSR 10-7.040	Director, Department of Mental Health	24	MoReg 2881RUC		
9 CSR 10-7.050	Director, Department of Mental Health	24	MoReg 2881RUC		
9 CSR 10-7.060	Director, Department of Mental Health	24	MoReg 2883RUC		
9 CSR 10-7.070	Director, Department of Mental Health	24	MoReg 2884RUC		
9 CSR 10-7.080	Director, Department of Mental Health	24	MoReg 2885RUC		
9 CSR 10-7.090	Director, Department of Mental Health	24	MoReg 2886RUC		
9 CSR 10-7.100	Director, Department of Mental Health	24	MoReg 2887RUC		
9 CSR 10-7.110	Director, Department of Mental Health	24	MoReg 2887RUC		
9 CSR 10-7.120	Director, Department of Mental Health	24	MoReg 2890RUC		
9 CSR 10-7.130	Director, Department of Mental Health	24	MoReg 2891RUC		
9 CSR 25-4.040	Fiscal Management	24	MoReg 2386		
	.....	25	MoReg 641		
9 CSR 45-5.040	Mental Retardation and Developmental Disabilities	24	MoReg 2389		
	.....	25	MoReg 644		

Rule Number	Agency	Emergency	Proposed	Order	In Addition
DEPARTMENT OF NATURAL RESOURCES					
10 CSR					24 MoReg 1693
10 CSR 10-2.010	Air Conservation Commission				24 MoReg 420
10 CSR 10-2.060	Air Conservation Commission		24 MoReg 2588R		
10 CSR 10-3.080	Air Conservation Commission		24 MoReg 2588R		
10 CSR 10-4.060	Air Conservation Commission		24 MoReg 2589R		
10 CSR 10-5.070	Air Conservation Commission		24 MoReg 2224		
10 CSR 10-5.090	Air Conservation Commission		24 MoReg 2589R		
10 CSR 10-5.380	Air Conservation Commission	24 MoReg 2935	25 MoReg 14		
10 CSR 10-5.390	Air Conservation Commission		25 MoReg 264		
10 CSR 10-5.451	Air Conservation Commission		25 MoReg 649		
10 CSR 10-5.490	Air Conservation Commission		24 MoReg 2680		
10 CSR 10-6.020	Air Conservation Commission		24 MoReg 2629		
10 CSR 10-6.065	Air Conservation Commission		24 MoReg 2630		
10 CSR 10-6.070	Air Conservation Commission		24 MoReg 2226	25 MoReg 440	
10 CSR 10-6.075	Air Conservation Commission		24 MoReg 2226	25 MoReg 440	
10 CSR 10-6.080	Air Conservation Commission		24 MoReg 2230	25 MoReg 441	
10 CSR 10-6.170	Air Conservation Commission		22 MoReg 2129		
10 CSR 10-6.310	Air Conservation Commission		24 MoReg 2686		
10 CSR 10-6.350	Air Conservation Commission		25 MoReg 640		
10 CSR 10-6.400	Air Conservation Commission		25 MoReg 391		
10 CSR 20-3.010	Clean Water Commission		24 MoReg 1225R	25 MoReg 299R	
			24 MoReg 1225	25 MoReg 299	
10 CSR 20-4.023	Clean Water Commission		24 MoReg 1849	25 MoReg 305	
10 CSR 20-4.030	Clean Water Commission		24 MoReg 1849	25 MoReg 306	
10 CSR 20-4.041	Clean Water Commission		24 MoReg 1850	25 MoReg 307	
10 CSR 20-4.043	Clean Water Commission		24 MoReg 1852	25 MoReg 308	
10 CSR 20-4.061	Clean Water Commission		24 MoReg 1724	25 MoReg 309	
10 CSR 20-7.015	Clean Water Commission		25 MoReg 264		
10 CSR 20-10.012	Clean Water Commission		24 MoReg 1056	25 MoReg 311	
10 CSR 20-10.022	Clean Water Commission		24 MoReg 1056	25 MoReg 311	
10 CSR 20-10.068	Clean Water Commission		24 MoReg 1057	25 MoReg 311W	
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10 CSR 20-11.092	Clean Water Commission		24 MoReg 1058	25 MoReg 312	
10 CSR 20-12.010	Clean Water Commission		24 MoReg 1058R	25 MoReg 312R	
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10 CSR 20-12.025	Clean Water Commission		24 MoReg 1059R	25 MoReg 313R	
10 CSR 20-12.030	Clean Water Commission		24 MoReg 1059R	25 MoReg 313R	
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10 CSR 20-12.050	Clean Water Commission		24 MoReg 1061R	25 MoReg 313R	
10 CSR 20-12.060	Clean Water Commission		24 MoReg 1061R	25 MoReg 313R	
10 CSR 20-12.061	Clean Water Commission		24 MoReg 1061R	25 MoReg 313R	
10 CSR 20-12.062	Clean Water Commission		24 MoReg 1062R	25 MoReg 314R	
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10 CSR 45-2.010	Metallic Minerals		24 MoReg 2049		
10 CSR 45-3.010	Metallic Minerals		24 MoReg 1258R		
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10 CSR 45-6.010	Metallic Minerals		24 MoReg 2049		
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10 CSR 60-3.020	Public Drinking Water Program	24 MoReg 2567	24 MoReg 1854	25 MoReg 316	
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11 CSR 75-3.010	Peace Officer Standards and Training		24 MoReg 2963	This Issue	
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12 CSR 10-23.450	Director of Revenue		24 MoReg 2775This Issue	
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12 CSR 10-25.090	Director of Revenue		25 MoReg 392R		
12 CSR 10-26.010	Director of Revenue		24 MoReg 2776This Issue	
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12 CSR 10-26.040	Director of Revenue		24 MoReg 2784This Issue	
12 CSR 10-26.050	Director of Revenue		24 MoReg 2787This Issue	
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12 CSR 10-110.013	Director of Revenue	<i>Changed from 12 CSR 10-III.013</i>	24 MoReg 263225 MoReg 588	
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